

# The County of Tippecanoe, Indiana

## Personnel Policies Handbook

**January 19, 1999**  
*(Adoption Date)*

*March 6, 2000*

*August 20, 2001*

*October 7, 2002*

*(Amended Date Unless Listed Below)*

**4.2 Added March, 2008**

**4.3 Updated March, 2008**

**4.7 Updated January, 2008**

**3.10 Updated July, 2008**

**8.0 Updated September 2, 2008**

**3.10.1 Updated October, 2008**

**4.1 Updated February 1, 2010**

**1.7 Updated August 15, 2011**

**4.5 Updated March 5, 2012**

**2.13 Updated July 1, 2012**

## **MISSION STATEMENT**

To bring to the citizens and taxpayers of Tippecanoe County the most responsive governmental services possible. Accomplishing that goal by employing top quality people and retaining their services for extended periods. Developing within that employee group, experience and insight into the needs of our county and its residents. To train technologically and procedurally those employees so that they may serve the public competently within the requirements of state laws.

Further, to establish, maintain and promulgate policies governing the hiring, paying and termination of those employees that best serves the interest of those employees and the county. To follow all applicable laws as to the treatment of protected classes of employees. To protect the county from any liability connected with employment so far as is possible by the maintenance of a Human Resources Department and Payroll Department that is well trained and staffed.

## **TABLE OF CONTENTS**

<b><u>SECTION</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
	MISSION STATEMENT .....	2
	TABLE OF CONTENTS .....	3
1.	PERSONNEL ADMINISTRATION .....	6
1.1	USE AND REVISION OF PERSONNEL POLICIES HANDBOOK .....	6
1.2	EXCEPTIONS AND SPECIAL CONDITIONS .....	6
1.3	PERSONNEL ADMINISTRATION COMMITTEE .....	6
1.4	EQUAL EMPLOYMENT OPPORTUNITY .....	7
1.5	MANAGEMENT RIGHTS .....	7
1.6	DRUG-FREE WORKPLACE .....	7
1.6.1	Drug Testing .....	8
1.6.1a	Probable Cause .....	8
1.6.1b	Post-Accident .....	8
1.7	SEXUAL HARASSMENT .....	9
1.8	AMERICANS WITH DISABILITIES ACT (ADA) .....	9
1.9	AUTHORIZED ALIEN STATUS AND CITIZENSHIP .....	10
	Verification of Employment Eligibility .....	10
1.10	BLOODBORNE PATHOGENS .....	11
2.	EMPLOYMENT POLICIES .....	11
2.1	RECRUITMENT .....	11
2.2	EMPLOYMENT APPLICATIONS .....	11
2.3	EMPLOYEE MEDICAL EXAMINATIONS .....	12
2.4	EMPLOYMENT STATUS .....	12
2.5	EMPLOYMENT REFERENCE CHECKS .....	13
2.6	APPLICANT/PERSONNEL FILES .....	13
2.7	ACCESS TO PERSONNEL FILES .....	14
2.8	PERSONAL INFORMATION CHANGES .....	14
2.9	ORIENTATION/EXIT INTERVIEWS .....	14
2.10	PROBATIONARY PERIOD .....	14
2.11	PERFORMANCE EVALUATION .....	15
2.12	OUTSIDE EMPLOYMENT .....	15
2.13	NEPOTISM .....	15
2.14	REQUESTS FOR INFORMATION .....	16
3.	SALARY ADMINISTRATION .....	16
3.1	NORMAL WORK WEEK .....	16
3.2	WORK HOURS .....	16
3.2.1	FLEXTIME .....	17
3.2.2	SLEEP TIME/BONA FIDE MEAL PERIODS .....	17
3.2.3	ON-CALL TIME .....	18
3.2.4	TRAVEL TIME .....	18
3.3	JOB CLASSIFICATION .....	18
3.4	COMPENSATION .....	18
3.5	WAGE POLICY .....	19
3.6	TIMEKEEPING .....	19
3.7	PAYDAYS .....	19
3.8	PAY CORRECTIONS .....	20
3.9	PAY DEDUCTIONS .....	20

3.10	OVERTIME and COMPENSATORY TIME.....	20
3.11	JOB CLASSIFICATION/PAY SYSTEM MAINTENANCE.....	20
3.12	EMPLOYMENT TERMINATION.....	20
3.13	RETURN OF PROPERTY.....	21
4.	EMPLOYEE BENEFITS.....	21
4.1	VACATION BENEFITS.....	21
4.2.	PERSONAL DAY.....	22
4.3.	HOLIDAYS.....	22
4.4	FAMILY AND MEDICAL LEAVE ACT.....	23
4.5	SICK LEAVE BENEFITS.....	26
4.6	MILITARY LEAVE.....	27
4.7	BEREAVEMENT LEAVE.....	27
4.8	PERSONAL LEAVE.....	27
4.9	JURY DUTY.....	29
4.10	WORKER'S COMPENSATION.....	29
4.11	BENEFITS CONTINUATION (COBRA.....	29
4.12	PUBLIC EMPLOYEE'S RETIREMENT FUND (PERF).....	30
4.13	DEFERRED COMPENSATION.....	30
4.14	EMPLOYEE INSURANCE.....	30
4.15	RE-EMPLOYMENT.....	30
4.16	LONG-TERM DISABILITY.....	30
5.	WORKING CONDITIONS.....	31
5.1	SAFETY.....	31
5.2	EMERGENCY CLOSING.....	31
5.3	USE OF TELEPHONES AND COUNTY MAIL.....	31
5.4	USE OF EQUIPMENT AND VEHICLES.....	31
5.5	SMOKING.....	32
5.6	PERSONAL USE OF ORGANIZATION FACILITIES.....	32
5.7	APPEARANCE OF WORK AREAS.....	32
5.8	RECYCLING.....	32
5.9	BUSINESS TRAVEL.....	33
5.10	INTERNAL EMERGENCY PLAN.....	33
6.	PERSONAL CONDUCT.....	34
6.1	EMPLOYEE CONDUCT AND WORK RULES.....	34
6.2	ATTENDANCE AND PUNCTUALITY.....	34
6.3	PERSONAL APPEARANCE.....	34
6.4	COMMISSION OF A FELONY OR UNLAWFUL ACT.....	34
6.5	GIFTS OR GRATUITIES.....	35
6.6	BUSINESS ETHICS/CONFLICT OF INTEREST.....	35
6.7	DEADLY WEAPONS FORBIDDEN.....	35
6.8	SECURITY OF PREMISES/INSPECTIONS.....	36
6.9	CONFIDENTIALITY.....	36
6.10	SOLICITATION AND DISTRIBUTION.....	36
6.11	PRINCIPLES OF EMPLOYMENT/WORK RULES.....	36
6.11.1	PROGRESSIVE DISCIPLINE.....	36
6.11.2	WORK RULES VIOLATIONS.....	37
7.	PROBLEM RESOLUTION.....	39
7.1	PROBLEM RESOLUTION FOR NON-COURT EMPLOYEES.....	39
7.2	PROBLEM RESOLUTION FOR EMPLOYEES OF THE COURT.....	40
8.0	COMPUTER USAGE AND SECURITY POLICY.....	40
8.1	COMPUTER USAGE AND SECURITY.....	40
8.2	GENERAL GUIDELINES.....	40
8.3	MIT'S ADVISORY BOARD.....	40
8.4	MIT'S DEPARTMENT.....	41

8.5	SECURITY AWARENES .....	41
8.6	PHYSICAL SECURITY .....	41
8.7	NETWORK SECURITY .....	42
8.8	DATA SECURITY AND PASSWORDS .....	42
8.9	ACCESS TO TIPPECANOE COUNTY GOVERNMENT COMPUTERS .....	43
8.10	PERSONAL COMPUTER SECURITY .....	43
8.11	APPROVED SOFTWARE .....	43
8.12	PERSONAL HARDWARE .....	44
8.13	CONNECTIVITY .....	44
8.14	VIRUS PROTECTION .....	44
8.15	PURCHASING .....	44
8.16	BACKUP POLICY .....	44
8.17	E-MAIL AND INTERNET .....	45
9.	FEDERAL MOTOR CARRIER SAFETY REGULATIONS/SAFETY-SENSITIVE POSITIONS .....	45
9.1	STATEMENT OF PURPOSE AND POLICY .....	45
9.2	PURPOSE .....	46
9.3	PROVISIONS .....	46
9.3.1	APPLICABILITY .....	47
9.3.2	PROHIBITED CONDUCT .....	47
9.3.3	PRESCRIPTION MEDICATION AND/OR OTHER MEDICATION USE .....	48
9.3.4	REFUSAL TO TEST .....	48
9.3.5	TYPES OF TESTS .....	49
9.3.6	PRE-EMPLOYMENT TESTING .....	49
9.3.7	RANDOM TESTING .....	49
9.3.8	POST-ACCIDENT TESTING .....	50
9.3.9	REASONABLE SUSPICION TESTING .....	50
9.3.10	RETURN TO DUTY TESTING .....	51
9.3.11	FOLLOW-UP TESTING .....	51
9.3.12	CONTROLLED SUBSTANCE TESTING PROTOCOL .....	52
9.3.12A	URINE COLLECTION PROCEDURES .....	52
9.3.12B	LABORATORY PROCEDURES .....	52
9.3.12C	VALIDITY TESTING .....	52
9.3.13	MRO PROCEDURES .....	53
9.3.14	DILUTED SPECIMENError! Bookmark not defined. ....	53
9.3.15	MEDICAL INFORMATION DISCLOSURE .....	54
9.3.16	SPLIT SPECIMEN TESTING PROTOCOL .....	54
9.3.17	ALCOHOL TESTING PROTOCOL .....	55
9.3.18	ALCOHOL TESTING SAFEGUARDS FOR EMPLOYEE'S PROTECTION .....	55
9.3.19	EDUCATIONAL MATERIALS .....	55
9.3.20	DISCIPLINARY PROCEDURES .....	56
9.3.21	SUBSTANCE ABUSE EVALUATION AND FOLLOW UP TESTING UPON TERMINATION .....	56
9.3.22	VOLUNTARY DISCLOSURE .....	57
9.3.23	CONFIDENTIALITY AND RELEASE OF INFORMATION .....	57
9.3.24	RESPONSIBILITY .....	58
	ABBREVIATIONS AND TERMS .....	58
	SEVERABILITY .....	62
	INDEX .....	63

## **1. PERSONNEL ADMINISTRATION**

### **1.1 USE AND REVISION OF PERSONNEL POLICIES HANDBOOK**

This Handbook is designed to provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the handbook. It describes many of your responsibilities as an employee and outlines the programs developed by Tippecanoe County to benefit our employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

Nothing in this Handbook is intended to in any sense constitute a contract of employment or an expectation of continued employment. Tippecanoe County is an “At-Will” employer, which means the Employee may resign at any time and the Employer may discharge an Employee at any time with or without cause. This Handbook is not a contract of employment.

These policies and procedures apply to all Tippecanoe County employees, except when in conflict with special employment conditions set forth for Elected Officials or when in conflict with various statutes governing employment relationships.

No employee handbook can anticipate every circumstance or question about policy. As the County continues to grow, the need may arise to change policies described in the Handbook. Tippecanoe County, therefore, reserves the right to revise, supplement, or rescind any policies or portion of the Handbook from time to time as it deems appropriate, in its sole and absolute discretion. Employees will, of course, be notified of such changes as they occur.

Although we believe the descriptive materials contained in this Handbook are accurate, some sections, like insurance, are only summaries. Any discrepancies between these summaries and the terms of the actual plans will be governed by the terms of the underlying, more detailed policies and procedures. Any questions regarding summaries their underlying policies and procedures, if applicable, and any discrepancies between them should be directed to the Human Resources Coordinator, (765) 423-9376.

### **1.2 EXCEPTIONS AND SPECIAL CONDITIONS**

All Elected Officials are excluded from the provisions of the Personnel Policies Handbook.

The Sheriff’s Department Merit Deputies under the coverage of the Sheriff’s Department Merit Board are excluded from the provisions of the Personnel Policies Handbook.

All County Purdue Agents are excluded from the provisions of the Personnel Policies Handbook. The clerical support employees for the County agents are included in the Personnel Policies Handbook.

### **1.3 PERSONNEL ADMINISTRATION COMMITTEE**

The Tippecanoe County Board of Commissioners facilitates the implementation of the policies and procedures herein established. They shall meet as deemed necessary to review the application of County personnel policies, such as:

- a. Reviewing employee’s complaints in connection with the problem resolution procedures in this Handbook and providing recommendations as may be warranted.

- b. Monitoring personnel policies and procedures and making revisions, additions and deletions as deemed necessary.

The Tippecanoe County Council establishes all budgetary items and pay grades for salaries and benefits.

Elected officials/department heads have responsibility for the day-to-day supervision and operation of their respective offices as prescribed by statute.

#### **1.4 EQUAL EMPLOYMENT OPPORTUNITY**

Tippecanoe County does not discriminate on the basis of race, color, gender, national origin, religion, age or disability in employment or in the provision of services.

All position vacancy notices, postings, advertisements, and recruiting literature shall contain the phrase "An Equal Opportunity Employer."

Any employee with questions or concerns about any type of discrimination in the workplace shall bring these issues to the attention of his/her elected official/department head. Employees may raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

#### **1.5 MANAGEMENT RIGHTS**

The County, as a public employer, retains the sole and exclusive responsibility and authority to manage and direct its workforce on behalf of the public, and to conduct the operations and activities of the County to the full extent authorized by law.

The "County" shall be defined to mean the Tippecanoe County Board of County Commissioners, the Tippecanoe County Council, the Elected Officials of Tippecanoe County, Agency and Department heads acting individually or in conjunction with each other within the areas of responsibility assigned to said individuals or as defined by applicable statute, constitutional provision, ordinance case law or resolution.

#### **1.6 DRUG-FREE WORKPLACE**

Drug and alcohol use is highly detrimental to the safety and productivity of employees in the work place. No employee may be under the influence of any illegal drug or alcohol while in the work place, while on duty, or while operating a vehicle or equipment owned or leased by the County.

The County shall maintain a drug-free work place in accordance with the Drug-Free Work Place Act of 1988, and the State of Indiana Drug-Free Workplace Executive Order No. 90-5 of 1990. Failure to comply with this law could jeopardize government funds received by the County. The unlawful manufacture, possession, distribution, transfer, purchase, sale, use, or being under the influence of alcoholic beverages or illegal drugs while on the employer's property, while attending business-related activities, while on duty, or while operating a vehicle or machine leased or owned by the County is strictly prohibited. When appropriate, the County may refer the employee to approved counseling or rehabilitation programs.

any employee while on official County business, or when serving as a representative of the County, who is convicted of a drug-related crime while in that capacity, must notify the County within five days of the conviction.

The County is required to notify the appropriate government funding agency within ten days of the conviction. Appropriate personnel action, including possible discipline, up to and including termination, and/or participation in a drug abuse assistance or rehabilitation program, may result after notice of the conviction is received.

The County will determine on a case-by-case basis whether assistance will be provided to employees whose health or performance are at risk of deterioration. Employees may use physician-prescribed medications, provided the use of such drugs do not adversely affect job performance or the safety of the employee or other individuals in the work place.

The County recognizes that employees may wish to seek professional assistance in overcoming drug or alcohol problems. Please contact the Human Resources Coordinator for more information about the benefits potentially available under the employee medical benefit plans and any possible referral sources.

Employees may keep prescription drugs and over-the-counter medications on County premises when prescribed by a medical physician or as needed for over-the-counter medications. Employees holding safety-sensitive positions shall notify their elected official/department head of such drugs and prescriptions which may impair judgment in the performance of job duties and responsibilities.

#### **1.6.1 Drug Testing**

The County is committed to providing a safe, efficient, and productive work environment for all employees. In keeping with this commitment, employees and job applicants may be asked to provide body substance samples (e.g., blood, urine, hair or other body substances) to determine the prohibited use of marijuana, cocaine, opiates, amphetamines, alcohol, barbiturates, and phencyclidine (PCP). The County will attempt to protect the confidentiality of all drug test results.

##### **1.6.1a Probable Cause**

At the time an elected official/department requests an employee provide a sample for testing, the elected official/department head shall provide the employee with a written statement setting forth work place behavior witnessed by at least one of the employee's supervisors relied upon by the requesting authority in coming to a conclusion that there is a reasonable suspicion that the employee may be under the influence of a drug or alcohol. If the employee refuses to submit such a sample upon request, when accompanied by said written statement, the County reserves the right to exercise any disciplinary action deemed appropriate based on the severity of the situation and the totality of the circumstances.

##### **1.6.1b Post-Accident**

Post-accident testing occurs when an employee is involved in an accident on County property or operating County equipment in the pursuit of County business resulting in: 1) the death or injury of a County employee or member of the general public; or 2) damage to public or private property and/or equipment while operating a vehicle or equipment owned by or leased by the County. The County reserves the right to order post-accident tests as it deems appropriate, based on the totality of the circumstances surrounding the accident. Post-accident tests may include screens for both drugs and alcohol. Questions concerning this policy or its administration should be directed to the Human Resources Coordinator.



## 1.7 SEXUAL HARASSMENT

*Updated 8/15/2011*

It is Tippecanoe County Government's policy to prohibit harassment of any employee by any Supervisor, employee, customer or vendor on the basis of sex or gender. The purpose of this policy is not to regulate personal morality within the County. It is to ensure that at the County all employees are free from sexual harassment. While it is not easy to define precisely what types of conduct could constitute sexual harassment, examples of prohibited behavior include unwelcome sexual advances, requests for sexual favors, obscene gestures, displaying sexually graphic magazines, calendars or posters, sending sexually explicit e-mails, text messages and other verbal or physical conduct of a sexual nature, such as uninvited touching of a sexual nature or sexually related comments. Depending upon the circumstances, improper conduct also can include sexual joking, vulgar or offensive conversation or jokes, commenting about an employee's physical appearance, conversation about your own or someone else's sex life, or teasing or other conduct directed toward a person because of his or her gender which is sufficiently severe or pervasive to create an unprofessional and hostile working environment.

If you feel that you have been subjected to conduct which violates this policy, you should immediately report the matter. **The preferred method of reporting is to report the matter to the Elected Official/Department Head directly. However, if circumstances make reporting to the Elected Official/Department Head impossible or impractical, you may report the matter to your supervisor. The supervisor receiving the report is directed to communicate the complaint to the Elected Official/Department Head. In addition, the employee is directed to follow up as soon as possible to ensure that the Elected Official/Department Head has received the report.** If you are unable for any reason to contact these people, or if you have not received a satisfactory response within five (5) business days after reporting any incident of what you perceive to be harassment, please contact the HR Director.

Every report of perceived harassment will be fully investigated and corrective action will be taken where appropriate. Violation of this policy will result in disciplinary action, up to and including discharge. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. **In addition, the County will not allow any form of retaliation or other adverse employment actions against individuals making good faith reports of unwelcome conduct to management or cooperating in the investigations of such reports in accordance with this policy.**

## 1.8 AMERICANS WITH DISABILITIES ACT (ADA)

It is the policy of the County that qualified individuals with disabilities not be excluded from participation in or benefit from the services, programs or activities of the County. It is the policy of the County not to discriminate against a qualified individual with a disability in: job application procedures; the hiring, advancement or discharge of employees; employee compensation; job training, and other terms, conditions and privileges of employment. It is the intent of the County to comply with all applicable requirements of the Americans With Disabilities Act (ADA).

If a person is not able to perform the essential functions of a job, even with reasonable accommodation, the person is not qualified for the position.

The County will reasonably accommodate persons with a disability on a case-by-case basis, which may include making facilities readily accessible to individuals with a disability, restructuring jobs, modifying work schedules, modifying equipment, or similar accommodations.

Accommodations may not create an undue hardship for the County or other employees. An individual who cannot be reasonably accommodated for a job, without undue hardship, will not be selected for that position.

All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace, and which threat cannot be eliminated by reasonable accommodation, will not be hired or retained. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave.

Further, disabled individuals cannot pose a direct threat to the safety of themselves or others. Generally, a “direct threat” means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

Benefits provided to disabled individuals who are qualified to perform the work are not different from the benefits provided to other employees.

Members of the public, including individuals with disabilities and groups representing individuals with disabilities, are encouraged to submit suggestions to the Personnel Director, so the County might better meet the needs of individuals with disabilities pursuant to this policy.

Any individual who believes he or she has received treatment inconsistent with the policies set forth above or any other requirement of ADA, may file a complaint within ninety (90) days of the date of the alleged discriminatory act or practice with the Personnel Director, Commissioners Office, Tippecanoe County Government Building, Lafayette, Indiana.

## **1.9 AUTHORIZED ALIEN STATUS AND CITIZENSHIP**

### ***Verification of Employment Eligibility.***

All applicants must cooperate with the County in its compliance with the Immigration Reform and Control Act of 1986, as amended. Applicants who refuse to supply the documentation necessary to prove they are American citizens or aliens authorized to work in this country will not be considered for employment. The Personnel Office shall ensure that the I-9 Form is properly completed and retained as required by law.

The Auditor of Tippecanoe County cannot process payroll claims for any employee unless the appropriate forms have been obtained by the hiring authority and filed with the Auditor prior to submission of said payroll claims.

#### **1.10 BLOODBORNE PATHOGENS**

Employees working in high-risk jobs will be offered blood borne pathogen training and a series of hepatitis B vaccinations for their protection at no cost to the employees.

The Occupational Safety and Health Administration (OSHA) has determined that certain employees in the workplace face a significant risk to blood borne pathogens. To ensure that County employees are aware of occupational exposure to blood borne pathogens, the County has developed an exposure control plan to minimize or eliminate employee contact with human blood or other bodily fluid which may contain blood borne pathogens, such as hepatitis B virus and HIV. This control plan is available for use by all County employees and is located in the Personnel Office.

### **2. EMPLOYMENT POLICIES**

#### **2.1 RECRUITMENT**

Authorization to recruit and hire to fill a vacancy in an existing or newly created position rests solely with the elected official and designated department heads.

Basic qualifications of formal education, background and experience shall be determined before recruiting begins and shall be based on job requirements, as well as dictates of applicable federal, state and local laws.

Vacant and new positions, insofar as practicable, shall be afforded employee, subject to ability and job qualifications to be reasonably determined by management. Insofar as practicable, open and new jobs shall be posted on County work days until said positions are filled, during which time any employee may make application in writing.

Information regarding vacancies or new positions shall be publicly posted on bulletin boards located in County government building where the position is located, and in the any other County facilities the elected official deems appropriate for soliciting potential applicants. The County encourages internal promotion and transfer whenever possible.

The Personnel Director is available to assist and advise in the selection process (i.e., testing, interviewing, interview questions, and verification of information provided by the applicants) upon request.

At the discretion of management, based on the urgency and specialization of the job requirements, newspaper and trade journal advertising may be used in recruiting employees. Advertisements shall describe the position, basic qualifications and state that the County is "An Equal Opportunity Employee."

#### **2.2 EMPLOYMENT APPLICATIONS**

All applicants are required to complete a County application ("Application"), as well as any other forms required for statistical purposes or deemed necessary to process the Application. The Application shall be maintained by the Personnel Director in the County Commissioners Office and made available to elected officials, department heads and applicants for use. The Application shall request only the information necessary for rational decision-making and only questions specifically related to occupational standards.

All applicants must complete the Application in its entirety, providing any requested information in its entirety and accounting for periods of employment and unemployment. The elected official/department head may screen applicants and conduct testing relevant to the skills needed to effectively complete the duties of the position.

The County relies on the accuracy of information on the Application, as well as other data presented throughout the hiring process and employment. Any misrepresentation, falsifications, or material omissions in any of this information or data may result in the County's exclusion of the individual from further consideration for employment, or, if the person has been hired, termination of employment.

Placement of an Application with the County does not mean that all applicants will be granted an interview by the elected official/department head. However, equal consideration will be given to all applicants based on the qualifications listed for the job. Applications will be retained in active files for forty-five (45) days. Applications shall be returned to the Personnel Director prior to hiring or being placed on the County payroll. Hiring decisions are the sole responsibility of the appointing authority (i.e., elected officials and designated department heads).

## **2.3 EMPLOYEE MEDICAL EXAMINATIONS**

To help ensure that employees are able to perform their duties safely, medical examinations may be required.

After a conditional offer of employment has been extended, certain designated positions may require an applicant to undergo a medical examination by a health professional of the County's choice, at the County's expense. Information on an employee's medical condition or history shall be sent to the Personnel Director and will be kept in a confidential file that is separate from other employee information. Access to this information will be limited to the Personnel Director, the employee and the elected official/department of the employee.

## **2.4 EMPLOYMENT STATUS**

It is the intent of the County to clarify the definitions of employment status, so employees understand their employment status and benefit eligibility. **Any changes in employment status shall be conveyed in writing. No change in employment status is to be construed or inferred without written notification.**

Each employee is designated as **NON-EXEMPT OR EXEMPT** from federal and state wage and hour laws.

**NON-EXEMPT** employees, whether hourly or salaried, are entitled to overtime pay under the specific provisions of federal and state laws.

**EXEMPT** employees are excluded from specific provisions of federal and state wage and hour laws.

In addition, each employee will belong to one of the following employment categories:

**REGULAR FULL-TIME** employees are those who are not in a part-time, temporary or probationary status and who are regularly scheduled to work the County's full-time schedule. Generally, they are eligible for the County's benefit package, subject to the terms, conditions, and limitations of each benefit program.

**PART-TIME** employees are those who are not assigned to a full-time, temporary or probationary status and who are not generally scheduled to work the County's full-time schedule.

However, part-time employees may be required to work additional hours based on staffing and business needs of the County. Part-time employees retain that status until expressly notified of a change. While part-time employees do receive all legally mandated benefits (such as worker's compensation and social security benefits), they are ineligible for all the County's benefit programs.

**PROBATIONARY** employees are those whose performance is being evaluated to determine whether further employment in a specific position or with the County is appropriate. All employees shall be probationary employees for their initial six months of employment. At the end of their initial six months of employment, they shall cease to be probationary employees, unless their probationary status is extended by their elected official/department head.

**TEMPORARY** employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration and may be up to or exceed forty (40) hours during a work week. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status until notified of a change. While temporary employees receive all legally-mandated benefits (such as worker's compensation and social security), they are ineligible for all the County's benefit programs.

## **2.5 EMPLOYMENT REFERENCE CHECKS**

To ensure that individuals who are employed by the County are well qualified and have a strong potential to be productive and successful, it is the policy of the County to check the employment references of all applicants. Information regarding this procedure is contained in the "Employment History and Work Experience" section of the County's Employment Application.

For employment reference checks requested by other employers of past or current County employees, the County will respond in writing only to those reference inquiries that are submitted in writing. Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held. Employees and former employees shall be provided copies of past performance records upon request; and must acknowledge receipt in writing.

## **2.6 APPLICANT/PERSONNEL FILES**

The employment selection procedure shall be documented and recorded and will remain strictly confidential. Accurate personnel records should be kept on file for each employee for a period of not less than seven (7) years and may be used to substantiate employment decisions in the event of inquiry.

The Personnel Director shall maintain accurate personnel files for each employee's employment history, which will contain: a) non-confidential materials, such as the employment application, I-9 form, emergency information sheet, employment data information sheets containing history of employment, insurance and retirement enrollment forms, educational accomplishments, change of address and beneficiary forms, records of training, documentation of performance and salary increases, and other employment records; and (b) a separate confidential file containing the following: confidential medical information (disability forms), workman compensation, unemployment information, statements related to disciplinary actions, grievances, leaves of absence, tardiness reports and related data.

## **2.7 ACCESS TO PERSONNEL FILES**

Personnel files are the property of the County, and access to the information they contain is restricted. Access to an employee's personnel file shall be limited to the Personnel Director and the elected official/department head to whom the employee is directly responsible.

Employees and/or their designated representative who wish to review their own files should contact the Personnel Director. With reasonable advance notice, employees may review their own personnel files in the County's offices in the presence of an individual appointed by the County to maintain the files.

## **2.8 PERSONAL INFORMATION CHANGES**

Personal mailing addresses, telephone numbers, number and names of dependents, changes in marital status, individuals to be contacted in the event of an emergency, educational accomplishments, and other such personal information should be accurate and current. Any unreported changes in personal status may impact eligibility under the County's benefit plan. It is the employee's responsibility to convey personal information in written form to the Personnel Director and elected official/department head.

## **2.9 ORIENTATION/EXIT INTERVIEWS**

The Personnel Director shall conduct an informal orientation to familiarize a new employee with the County, and shall provide the new employee with a copy of the **Tippecanoe County Personnel Policies Handbook**.

Upon termination of the employment relationship with an employee, the Personnel Director shall conduct an exit interview with the employee, with the elected official/department head or his/her designee also present at the interview.

## **2.10 PROBATIONARY PERIOD**

The probationary period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The County uses this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or County may end the employment relationship at any time and for any reason, other than as prohibited by law, during or after the probationary period.

At the discretion of the elected official/department head, new and rehired employees may work on a probationary basis for the initial six months after their date of hire. Any absence determined by the County to be "significant" will automatically extend a probationary period by the length of the absence or will result in termination. If the County determines that the designated probationary period does not allow sufficient time to thoroughly evaluate the employee's performance, the probationary period may be extended, at the County's discretion, for a specified period.

Upon satisfactory completion of the probationary period, employees enter the "regular" employment status. Such a change in status in no way alters the employee's "at-will" employment relationship with the County.

## 2.11 PERFORMANCE EVALUATION

Elected officials/department heads and employees are strongly encouraged to discuss job performance and goals on an informal, regular basis. Additional formal performance reviews may be conducted to provide both elected officials/department heads and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

Formal performance evaluations should be conducted on employees at the end of their probationary period, before entering full-time status, especially if the probationary period is extended. This allows the elected official/department head and employee the opportunity to discuss job responsibilities, standards and performance requirements, in addition to correcting deficiencies and reinforcing strengths and future goals.

Performance appraisals shall be confidential and shall be made available only to the employee appraised, their elected official/department head, the Personnel Director and for a prospective elected official/department head if a transfer or promotion is being considered.

The performance of all employees is generally evaluated on an annual basis.

## 2.12 OUTSIDE EMPLOYMENT

An employee may hold a job with another organization as long as he/she, in the opinion of the County, satisfactorily performs his/her job responsibilities with the County. Employees should consider the impact that outside employment may have on their ability to efficiently perform their work, as well as any conflicts of interest that may arise. All employees will be judged by the same performance standards and will be subject to the employer's scheduling demands, regardless of any existing outside work requirements.

If the County determines that an employee's outside work interferes with performance or ability to meet the requirements of the position, as it is modified from time to time, or if the County determines that the outside employment is in conflict with its ethics code or other codes of conflict, directly or indirectly applicable to a specific employee, the employee may be required to terminate the outside employment if he or she wishes to remain employed with the County.

Outside employment will present a conflict of interest if it has an actual or potential adverse impact on the County. County employees are encouraged to file a conflict of interest statement with the County Clerk, State Board of Accounts, and Auditor whenever an employee's outside business activities are directly or indirectly linked to the County in a business relationship, such as vendor, supplier, contractor, or independent subcontractor. The Personnel Director has a form available for use.

## 2.13 NEPOTISM

Updated July 1, 2012

Indiana Code 36-1-20.2 establishes the requirements regarding the employment of relatives. Individuals who are relatives may not be employed by a unit in a position that results in one relative being in the direct line of supervision of the other relative. Individuals who are employees as of 7/1/12 are grandfathered in and that statute doesn't apply to them and there is an exception for employees whose relative gets elected into office. County Code Chapter 36 sets forth the County's anti-nepotism policy in more detail and is incorporated by reference. In the event of a conflict, the County Code provisions will govern.

Therefore, the County policy prohibits current or prospective employees from working under the direct or general supervision of a relative. The County also prohibits relatives from occupying positions in the same line of authority within the organization.

Formatted: Font: 10 pt, Highlight

Formatted: Font: 10 pt, Highlight

For purposes of this policy, relatives are defined as any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage. Examples of relatives include, but are not limited to, a spouse, a parent or stepparent, a mother-in-law or father-in-law, a child or stepchild, a daughter-in-law or son-in-law, a brother or sister, a stepbrother or stepsister, a half-brother or half-sister, grandparents, an aunt or uncle, nieces or nephews, immediate cousins or in-laws. *An adopted child of an individual is treated as a natural child of the individual.*

If two persons should marry while both are employed, they both may continue their employment provided that the marriage doesn't result in one being in the direct line of supervision of the other.

"Direct line of supervision" means an elected officer or employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation. The term does not include the responsibilities of the executive, legislative body, or fiscal body of a unit, as provided by law, to make decisions regarding salary ordinances, budgets, or personnel policies of the unit.

"Employed" means an individual who is employed by a unit on a full-time, part-time, temporary, intermittent, seasonal or hourly basis. The term does not include an individual who holds only an elected office.

The County policy is to hire, promote, and transfer employees on the basis of individual merit and to avoid any hint of favoritism or discrimination in making such decisions. The employment of relatives in positions where one might have influence over the other's status or job security is regarded as a potential violation of this policy.

## 2.14 **REQUESTS FOR INFORMATION**

In the event the County is contacted by any person with written consent of the employee, the County shall release information regarding their position, hire date and wages. No elected official/department head or current employee shall provide reference or employment information other than the information provided by the Personnel Director, as specified in section 2.5 of this policy.

## 3. **SALARY ADMINISTRATION**

### 3.1 **NORMAL WORK WEEK**

The normal work week typically begins on Sunday at 12:00 midnight and ends on Saturday at 11:59 p.m. It may be changed by the Board of County Commissioners.

### 3.2 **WORK HOURS**

Regular work hours are established by the Board of County Commissioners and Court Judges. Regular work hours for the Sheriff's Department are established by the Sheriff.

County offices will be open to the public between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

Formatted: Indent: Left: 0.5"



Lunch breaks will be up to one (1) hour in length and scheduled at the discretion of the elected official/department head. Employees shall be relieved of all duties and be free to leave their posts during their lunch. Certain offices close during the lunch period.

Two fifteen (15) minute break periods are allowed, provided that only one is used per half day, before and after lunch periods. Break periods are not to be used for late arrivals, extended lunch or for early dismissals, and are to be taken in a manner that is not disruptive to department work operations.

The regular work hours may be changed by the Board of Commissioners upon one week's notice to each department head.

Elected officials/department heads will advise employees of the times their schedules will normally begin and end. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

The normal work pattern for full-time employees, except in designated departments, shall be seven and one-half (7 ½) hours for a normal day's work, and thirty-seven and one-half (37 ½) hours for a normal week's work to be completed in five (5) days, Monday through Friday. Each elected officials/department head will have an opportunity to establish a flexible beginning and ending time for their department's work day. See Flextime below.

### **3.2.1 FLEXTIME**

Scheduling is available in some cases to allow employees to vary their starting and ending times each day between 7:15 a.m. and 7:00 p.m. Employees should consult their elected official/department head for the details of this program.

### **3.2.2 SLEEP TIME/BONA FIDE MEAL PERIODS**

If employees are scheduled for less than 24 hours, time permitted for sleeping is considered work time, as long as the employees are on duty and must work when required. If the employees is on a 24-hour tour, up to eight (8) hours of sleeping time may be excluded from work time if:

- a. an expressed or implied agreement to exclude sleeping time exists;
- b. adequate sleeping facilities are provided;
- c. at least five (5) hours of sleep is possible, and
- d. interruptions to perform duties are considered work time.

Only BONA FIDE meal periods may be excluded from compensable work time. A meal period is considered Bona Fide if:

- a. the meal period is at least thirty (30) minutes long and no special agreements for a shorter meal time are made (i.e., taking a shorter lunch to leave early);
- b. the employee is completely relieved of all duties. (e.g., If an employee is required to incidentally answer a telephone during his/her meal time, the meal time will be counted as compensable work time), and
- c. the employee is free to leave his/her duty post. However, there is no requirement that the employee be allowed to leave the premises or work site. If an employee chooses to remain at his/her desk, but is relieved of all duties, the meal period will be considered Bona Fide.

If an employee is allowed to perform voluntary work or any of his/her essential duties during his/her mealtime, that time will be considered compensable work time.

### 3.2.3 ON-CALL TIME

Employees designated to be “on-call” will be provided a Tippecanoe County “On-Call” Agreement that classifies employees in the following categories:

- A. Non-Restricted:** Such employees are not restricted in personal pursuits, geographic location, response time, or subject to disciplinary action for not responding. Employees are only required to leave notice with the employer where they can be reached will not be compensated unless actually “called out.”
- B. Restricted:** Such employees are restricted in personal pursuits, geographic location, response time, and subject to discipline for not responding. Employees must remain available for immediate response on short notice. Such employees will be compensated for “on-call” time as specified in the agreement.

When called out to return to the workplace an employee shall be compensated a minimum of two (2) hours, and for all hours worked beyond the two (2) hours.

### 3.2.4 TRAVEL TIME

#### a) Home-to-Work Travel

- a. Travel to and from home is not work time, even if an employee must travel from a town to an outlying site to get to the work facility. This is true whether an employee works at a fixed location or at different job sites.

#### b) Out-of-Town Travel

- a. An employee who is sent out of town for one day need not be paid for time spent in traveling from home to the commercial transportation terminal, but must be paid for all other travel time, except any time spent in eating while traveling.

#### c) Overnight Travel

If an employee travels overnight on business and is gone for more than one day, they must be paid for time spent in traveling (except for meal periods) during their normal working hours on the non-working days, as well as on their regular working days. Travel time as a passenger on an airplane, train, bus, boat or automobile outside regular working hours is not considered work time. Thus, nighttime travel for employees who work during the day is not work time. However, any actual work performed by the employee while traveling is considered to be work time. Moreover, if an employee drives a car without being offered public conveyance, then the travel time is considered work time.

### 3.3 JOB CLASSIFICATION

The County maintains a job classification system for County jobs.

The position description is the primary document used to classify County jobs. A set of County position descriptions are maintained in the Personnel Office. Copies of departmental job descriptions are available in each department or office.

### 3.4 COMPENSATION

The County's compensation plan is based on the job classification system. The County Council adopts an annual salary ordinance establishing pay rates for all County positions.

Elected Officials shall be paid an annual salary, which covers the period beginning on January 1, and ending on December 31, and is paid on regular pay days throughout the year.

Merit staff of the Sheriff's Department and hourly Highway employees work a forty-hour work week (2,080 hours per year). The annual salaries for all other County employees are based on a thirty-seven and one-half hour work week (1,950 hours per year).

### **3.5 WAGE POLICY**

Violations of the sick leave and/or vacation policy of the County shall be penalized as follows:

- a. Unauthorized time away from work shall be subtracted from existing leave time in the following order: accrued compensatory time, sick days, vacation days, personal days.
- b. If an employee has no existing leave time as described above, unauthorized time from work shall be docked from his/her wages on an hourly basis.

### **3.6 TIMEKEEPING**

Federal and state laws require the County to keep an accurate record of time worked in order to calculate employees pay and benefits. "Time worked" is all time actually spent on the job performing assigned duties.

Every employee is responsible for accurately recording time worked. Employees should accurately record the time they begin and end their work, the time they begin and end each meal period, and the time they begin and end time of any split shift or departure from work for personal reasons. Overtime work must always be approved before it is performed.

Employees shall record the use of sick leave, personal leave, vacation leave, Family and Medical leave or any other type of approved leave on their time records. Failure to record the leave in any status may result in the employee not being paid for the leave.

Tampering, altering, and/or falsifying time records, and recording time on another employee's time record shall result in disciplinary action, including discharge.

Non-exempt employees should report to work no more than six (6) minutes prior to their scheduled starting time, nor stay more than six (6) minutes after their scheduled stop time, without prior authorization from their elected official/department head. Deviations of up to six (6) minutes will not have an impact on overtime, compensatory time or a reduction in pay calculations. Consistent non-compliance with scheduled work hours will be considered in employee evaluations.

It is an employee's responsibility to sign his/her time records to certify the accuracy of all time recorded. The elected official/department head will review and initial time records before submitting them for payroll processing. If corrections or modifications are made to the time record, both the employee and the elected official/department head should verify the accuracy of the changes by initialing the time record. Should an employee fail to initial such a time record the record shall be submitted by the elected official/department head with an acknowledgment that the employee has reviewed the modification.

### **3.7 PAYDAYS**

Paydays shall be the 7<sup>th</sup> and 22<sup>nd</sup> day of each month. If payday falls on Saturday, Sunday or a holiday, employees will be paid on the last day of work before the regularly scheduled payday. Paychecks may be obtained from the Auditor's office beginning at 9:00 a.m. on payday.

### **3.8 PAY CORRECTIONS**

The County takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. In the unlikely event there is an error in the amount of pay, the elected official/department head should promptly bring the discrepancy to the attention of the Payroll Bookkeeper so corrections can be made as quickly as possible.

### **3.9 PAY DEDUCTIONS**

The County is legally required to make certain deductions from each employee's paycheck, including federal, state and local incomes taxes. The County must also deduct social security taxes on each employee's earnings, up to a specified limit called the social security "wage base." The County matches the amount of social security taxes paid by each employee.

The County offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover costs to participate in these programs.

Questions concerning paycheck deductions and/or methods of calculation should be directed to the Payroll Bookkeeper.

### **3.10 OVERTIME and COMPENSATORY TIME**

Updated 7/7/2008

This policy applies to all non-exempt employees of the County to be in compliance with the Fair Labor Standards Act (FLSA).

Employees may be given the opportunity for overtime work assignments when operating requirements or other needs cannot be met during regular working hours. All overtime work must receive the elected official/department head's prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Overtime shall be awarded to all non-exempt employees in the form of monetary reimbursement or compensatory time, in accordance with federal and state wage and hour restrictions. Overtime is based on actual hours worked. Time taken off for sick leave, vacation leave, personal leave, compensatory time, or any other leave of absence **will not** be considered as hours worked for purposes of calculating overtime hours. Holiday hours **will be** considered as hours worked for purposes of calculating overtime hours.

Employees who work overtime without receiving prior authorizations from the elected official/department head may be subject to disciplinary action, up to and including termination of employment.

Pursuant to Section 7(k) of the FLSA, the county uses the "28 consecutive day" model for purposes of calculation of overtime for law enforcement employees. Law enforcement personnel must receive overtime after 171 hours worked during a 28-day period.

The workweek for non-safety county employees is Sunday through Saturday. Compensation (monetary or compensatory time) shall be awarded to all non-safety employees eligible for overtime at the rate of one hour to each approved hour worked in excess of thirty-seven and one-half (37 ½) hours and less than forty (40) hours in a given workweek. Hours worked in excess of forty (40) hours in a given workweek shall be awarded at the rate of time and one-half.

Elected officials/department heads may set accrual limits, and are encouraged to schedule the use of compensatory time as soon as possible to avoid accrual beyond the stated limit that would require monetary payment. Employees who are not in public safety positions may accrue 240 compensatory time hours before monetary compensation is required. Public safety employees may accrue 480 compensatory time hours before monetary compensation is required.

*COMPENSATION FOR "EMERGENCY" CALL IN TIME*

Updated 10/20/2008

This policy applies to all non-exempt employees of the County to be in compliance with the Fair Labor Standards Act (FLSA).

Non-exempt employees that are called in to work due to "emergency" situations will be compensated at time and one half for the time worked outside of their normal schedule.

"Emergency" situations include weather related emergencies and other such matters of public safety as deemed appropriate by a department head or supervisor and approved by the County Commissioners.

For instructions on how to enter emergency call-in time into the payroll system contact the Payroll Bookkeeper.

### **3.11 JOB CLASSIFICATION/PAY SYSTEM MAINTENANCE**

Any change in job classification or pay rate must be approved by the County Commissioners and the County Council.

When an elected official/department head wishes to create a new position not currently classified, or reorganize jobs within a department, review seniority, or abolish a position, or if an employee wishes to have a job classification review of his/her position, review form(s) from the Personnel Office shall be completed and returned with all required supplemental information. The Personnel Director and Commissioner's Assistant will meet to evaluate the requested action and make recommendations to the County Commissioners.

### **3.12 EMPLOYMENT TERMINATION**

Since employment with the County is **AT-WILL** and based on mutual consent, both the employee and County have the right to terminate employment at any time, with or without cause.

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:

**Resignation:** voluntary employment termination initiated by an employee. Although advance notice is not required, the County requests at least two weeks written notice from the employee.

**Discharge:** involuntary employment termination initiated by the County.

**Layoff:** involuntary employment termination initiated by the County for non-disciplinary reasons.

**Retirement:** voluntary employment termination initiated by the employee meeting County retirement criteria, such as age and length of service.

The County schedules exit interviews at the time of employment termination to afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to the County, or return of County-owned property. Suggestions, complaints and questions may also be expressed. Exit interviews may be scheduled with the Personnel Director.

Employees will receive their final pay in accordance with applicable state law. Employee benefits will be affected by employment termination in the following manner:

All accrued, vested benefits that are due and payable at termination will be paid. Some benefits may be continued at the employee's expense if the employee chooses. The employee will be notified in writing to the benefits that may be continued and of the terms, conditions, and limitations of such continuance. An employee's termination date shall always be the last day worked. An employee's termination date may not be extended to include accrued and/or unused paid or unpaid time off (e.g., sick days).

An employee with twenty years of service (the last five years of service must be consecutive) or a one-term elected official shall be considered a retiree, and be allowed to continue insurance benefits after retirement, provided such retiree pays a portion of the cost as determined by the Board of County Commissioners/County Council.

### **3.13 RETURN OF PROPERTY**

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. All property must be returned by employees on or before their last day of work. Where permitted by law, the County may withhold from an employee's paycheck the cost of any items that are not returned as required. The County may also take all action deemed appropriate to recover or protect its property.

## **4. EMPLOYEE BENEFITS**

The County provides a wide range of benefits to eligible employee. Programs such as social security, worker's compensation, and unemployment insurance cover all employees in the manner prescribed by law. Eligibility for additional benefits depend on a variety of factors many of, which are described elsewhere in this handbook. The Personnel Director can identify the programs for which you are eligible.

### **4.1 VACATION BENEFITS**

Updated February 1, 2010

Vacation leave for regular full-time and regular part-time employees shall be accrued as follows.

1. Regular full-time employees accrue Vacation Leave based on hours paid (exclusive of overtime hours) during each year of continuous employment as indicated in the schedule below.

<u>Length of Service</u>	<u>Vacation</u>
Date of Hire through 5 years	10 days

5 years through 15 years	15 days
15-20 years	20 days
Over 20 years	25 days

2. Regular part-time employees accrue Vacation Leave in direct proportion to the hours paid (exclusive of overtime hours).
3. No employee will be granted Vacation Leave in advance of Vacation Leave being accrued.
4. **After successfully completing their probationary period, a regular full-time employee or regular part-time employee may take any portion of or all of their accrue Vacation Leave any time during the year provided they comply with other provisions of these policies.**
5. Vacation leave accumulates from pay period to pay period. However, at any time an employee is limited to an accumulation of unused Vacation Leave equal to one and one-half times the Vacation Leave accrual rate.

Example—An employee earning 80 hours of Vacation Leave per year will not be allowed to accrue more than 120 hours of unused Vacation Leave.

6. An employee will receive their regular rate of pay for approved use of Vacation Leave.
7. No employee will be compensated for Vacation Leave in lieu of taking his or her Vacation Leave.
8. Part-time and temporary employees are not eligible to accrue Vacation Leave.
9. **A regular full-time employee or regular part-time employee that has not successfully completed their probationary period and leaves employment with the County will not be compensated for the vacation time that was accrued during their probationary period.**
10. To take vacation, employees should request advance approval (as soon as possible after the first of the year) from their supervisors. Requests will be reviewed based on a number of factors, including business needs and staffing requirements.
11. In the event a holiday falls while an employee is on vacation, the employee will not be charged a vacation day for that holiday.
12. An employee's termination date may not be extended to include accrued and unused vacation time. The employee's termination date shall always be the last day worked.

#### 4.2. **PERSONAL DAY**

**(Added March 2008)**

After the employee probationary period has been satisfied; all benefit eligible employees will be granted one personal day per calendar year. Personal days should be requested at least one week prior to the desired day off and scheduling is subject to Department Head/Elected Official approval. If the employee fails to use their personal day by the end of the calendar year, the personal day will be forfeited.

#### 4.3. **HOLIDAYS**

**(Updated March 2008)**

The schedule of holidays will be determined annually by the Tippecanoe County Board of Commissioners. Primary and General Election days are observed as holidays in election years. A listing of the annual holidays can be obtained from the Human Resource office, The Commissioner's office, or on the County web sites.

The County will grant paid holiday time off to all regular full-time and benefit eligible employees at their regular rate for all annually established County holidays.

If a recognized holiday occurs during an eligible employee's paid absence (e.g., vacation, sick leave), that day shall not be deducted from the employee's paid time off benefit.

If an eligible employee works on a recognized holiday, the employee, with prior approval of the Department Head/Elected Official, may receive one of the following conditions or terms:

1. Regular pay for the day worked plus a substitute day off.  
OR
2. Overtime pay (time and one half) for the day worked and NO substitute day off.

In order to be eligible to receive pay for the scheduled holidays, an employee must work the scheduled day before and after the holiday unless excused by their Department Head/Elected Official for vacation leave, sick, compensatory time or personal leave.

An employee's termination date shall not be extended to include payment for any additional holiday pay. An employee's termination date shall be the last day actually worked.

#### **4.4 FAMILY AND MEDICAL LEAVE ACT**

The Family and Medical Leave Act of 1993 (FMLA) requires the County to provide eligible employees with up to 12 weeks of unpaid leave for their own serious illness, the birth or adoption of a child, or the care of a seriously ill child, spouse or parent. For an employee to be eligible for medical leave, he/she must have been employed by the County for at least one year and must have worked 1,250 hours within the previous 12-month period. Any employee who completes a period of leave must be returned either to the same position the employee was in prior to the leave, or to position equivalent in pay, benefits, and other terms and conditions of employment. From and after the effective date stated hereafter, Tippecanoe County shall allow up to twelve-(12) weeks leave per calendar year. (except that any leave used prior to January 1, 1996 shall not be included):

- (A) To care for a newborn child or a child who is newly placed for adoption or foster care (the leave must be taken within 12 months from the date of birth or the date of placement);
- (B) To care for a spouse, child, or parent who has a "serious health condition;" or because the employee has a serious health condition that makes the employee unable to perform the functions of his/her job.

The provisions of the policy shall not apply to any employee of Tippecanoe County who has been employed for less than 12 months or who has worked less than 1,250 hours during the preceding twelve (12) month period preceding the beginning of the request FMLA leave.

**Definitions:** For the purposes of this policy, the following definition shall apply:

**Family and Medical Leave:** Any leave taken pursuant to this policy or for any of the reasons listed above, herein referred to as FMLA.

**Serious Health Condition:** Any illness, injury, impairment or physical or mental condition that involves:

- 1) Inpatient care; or



- 2) Continuing treatment by a health care provider for a long term condition that is incurable or so serious that, if not treated would likely result in a period of incapacity of more than three (3) calendar days; or
- 3) Any period of incapacity requiring absence from regular daily activities for more than three (3) calendar days; or

**Cosmetic Treatment:** Voluntary cosmetic treatment are not considered serious health conditions, unless necessitated by accident or injury and inpatient care is required.

**Parent:** The biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child.

**Child:** A biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under eighteen years of age or who is older than eighteen years of age and incapable of self-care because of a physical or mental disability.

**In Loco Parentis:** An individual who has day-to-day responsibility to care for and financially support a child.

An employee who seeks to obtain leave pursuant to this policy shall give his/her supervisor at least thirty (30) calendar days notice of the leave if possible, unless the need for leave cannot be anticipated, in which case notifications must be given as soon as practicable.

All leave taken by an employee under this Ordinance shall be unpaid leave unless specifically provided in this section. If an employee has any accrued sick leave or compensatory time, the employee shall be paid for that time as part of the employee's FMLA leave. The employee may also elect to be paid all or part of accrued vacation time or all or part of accrued personal time as part of the employee's FMLA leave.

An employee may take Family and Medical Leave on an intermittent basis or by reducing the number of hours worked if medically necessary and if the leave is taken in order to care for a sick family member as defined above or for the employee's own serious health condition. Only upon the employer's written approval may an employee take leave intermittently or by working a reduced work week for the birth of a child or because of placement for adoption or foster care. Intermittent leave must be taken in increments of one hour. An employee who requests intermittent leave may be temporarily transferred to another position which would better accommodate his or her absence, if the new position has comparable pay and benefits.

The County shall have the right to request in writing a medical certification from a health care provider describing the necessity for the leave, whether it be a continuous or intermittent leave, when an employee is on Family or Medical leave due to his/her own serious health condition or the serious health condition of a parent, child or spouse. The medical certification shall be provided within 15 calendar days, unless it is not practicable to do so under the circumstances. The County may seek an additional medical certification to substantiate the medical certification at the County's expense. If the employee's original certification and the County's certification are in conflict, the two health care providers who made the certification shall select a third health care provider to provide a third certification at the County's expense. The opinion of the third health care provider shall be conclusive.

When an employee is on leave as provided for in this policy, all insurance coverage shall be maintained as if the employee were actively employed. The employee would still be responsible for his/her portion of the health premium on their normal payday, and if the employee fails to make his/her contribution in a timely manner, (more than thirty (30) days late) health insurance coverage may be terminated. Insurance coverage provided as required herein during the course of a leave is

not to be counted as COBRA coverage. if the employee does not return to work for the County or returns for less than thirty (30) days, all benefit premiums paid by the employee are eligible to be recovered by the employee as described in and allowed by the Federal Act as amended from time to time.

An employee granted leave pursuant to this policy, upon return, shall be restored to the job he/she held when he/she left, or an equivalent position with equivalent pay, benefits and terms of employment. All benefits shall accrue during the leave. Upon reinstatement, an employee who was allowed his/her insurance coverage to lapse will be entitled to re-enroll. Certain key employees (as defined by the Family and Medical Leave Act) may be denied reinstatement if necessary to prevent substantial and grievous economic injury to the County. The employee must be notified of the County's election to designate an employee as a "key employee" at the time the leave is requested or prior to the commencement of the leave (whichever is earlier). The County shall notify the employee of their designation in writing.

During a leave of absence, the employee must not secure employment elsewhere.

An employee will be required to provide a fitness for duty report prior to returning to work if the leave was to his/her own serious health condition.

If an employee receives and/or continues leave under the Family Leave Act through misrepresentation or false statements, his/her leave will automatically be rescinded and the appropriate discipline, including termination, may occur.

In situations where the husband and wife both work for the County and the Family Leave Act is requested and approved under Section 2 (a). Their combined total leave is limited to twelve (12) weeks.

Tippecanoe County will consider an employee failure to report to work at the end of the leave period as an employee resignation.

#### 4.5 **SICK LEAVE BENEFITS**

Updated March 5, 2012

1. Sick Leave may be used for a regular full-time or regular part-time employee's own illness or disability, medical appointments that must be arranged during working hours, or for the illness or disability of a regular full-time or regular part-time employee's immediate family member or to supplement Worker's Compensation to approximate their normal pay.
2. Immediate family member means:
  - a) An individual for which the employee is responsible for custodial care, such as a parent, spouse or child.
3. Regular full-time employees earn Sick Leave based on hours paid (exclusive of overtime hours) during each month of continuous employment. Sick Leave will be earned at the rate of one (1) day for each full month.
4. Regular part-time employees accrue Sick Leave in direct proportion to the hours paid (exclusive of overtime hours).
5. Part-time and temporary employees are not eligible for sick leave benefits, and do not accrue Sick Leave.
6. Sick Leave accumulates from pay period to pay period. However, at any time an employee is limited to an accumulation of unused Sick Leave of a maximum of 66 days.
7. Sick Leave will be accrued from the date an employee becomes eligible to accrue sick leave.
8. No employee will be granted Sick Leave in advance of Sick Leave being earned.
9. An employee will receive their regular rate of pay for approved use of Sick Leave.
10. Sick Leave may not be used to supplement or add to Vacation Leave; however, Vacation Leave may be used to supplement Sick Leave.
11. A regular full-time employee or regular part-time employee who leaves the employment of the County will not be compensated for unused Sick Leave.
12. Employees who are unable to report to work due to illness or injury should notify their elected official/department head before the scheduled start of their workday, if possible. The elected official/department head must also be contacted on each additional day of absence.
13. If an employee is absent for three or more consecutive days due to illness or injury, the County may require a physician's statement verifying the disability and its beginning and expected ending dates. Such verification may be requested for other sick leave absences and may be required as a condition of paying sick leave benefits.
14. Following a sick leave absence of 30 calendar days or more, an employee may be asked to provide a physician's verification that he/she may safely return to work.

#### **4.6 MILITARY LEAVE**

A military leave of absence will be granted to all full-time County employees to attend scheduled drills or training, or to respond to call to active duty with the U.S. armed services. Employees with appropriate military orders will be granted paid leave for annual training for Reserve or National Guard for a period of up to fifteen (15) days (calendar days) per year. Such military leave will not be “charged” against an employee’s vacation time, and seniority will continue to accrue in the same manner as for employees not on military leave.

Subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible, the employee will continue to provide health insurance benefits for the full term of the annual training period.

Employees on two-week active duty training assignments or inactive duty training drills are required to return to work for the first regularly scheduled shift after the end of training, allowing reasonable travel time. Employees on longer military leave must notify the employee of the intent to return to employment in accordance with all applicable state and federal laws.

Upon returning from military Leave of Absence, an employee will be reinstated to the same position or one of comparable status and pay, provided the employee is discharge from military status under honorable conditions, and makes a request for reinstatement within thirty (30) days after release from active duty or one year after release from hospitalization due to military accident. The employee must also be qualified to perform the normal duties of the occupation for which he/she is being considered.

#### **4.7 BEREAVEMENT LEAVE**

(Updated January 2008)

Eligible employees are entitled to paid bereavement leave. An employee wishing to take time off for the death of a family member should notify his/her elected official/department head immediately.

An employee is eligible for up to five (5) workdays of paid bereavement leave over seven consecutive calendar days for the death of the following family members: your spouse, parent, child, brother, sister or corresponding in-law or step-relative

An employee is eligible for up to three (3) workdays of paid bereavement leave over five consecutive calendar days for the death of a grandparent, grandchild or corresponding in-law or step-relative.

If attending a funeral requires travel, one additional day will be allowed if travel is between 500-1000 miles and two days will be allowed if travel is over 1000 miles. Calculation of miles will be done using internet mapping tools.

An employee is eligible for up to two (2) consecutive workdays of paid bereavement leave for the death of your uncle, aunt, niece, nephew or first cousin or corresponding in-law or step-relative.

Employees will be paid only for days lost from their regular schedule.

In the event of death of a co-worker in the employee’s immediate office, an employee will be granted leave to attend the wake or funeral service, subject to the staffing needs of the office, as determined by the elected official/department head.

Absence for other funerals will be considered personal leave.

#### **4.8 PERSONAL LEAVE**

A personal leave of absence without pay may be granted for various reasons, such as continuing education, newborn infant, child or family care. Personal leave shall be for a period not to exceed one (1) year, must be requested in writing by the employee by completing an Application for Leave of Absence, and must receive prior approval of the department head or elected official if the leave is to exceed (30) days. Group insurance benefits will continue while an employee is on personal leave; however, when in a non-pay status, employees will be responsible for the timely payment of those insurance premiums that are normally deducted from gross pay.

#### **4.9 JURY DUTY**

The County encourages employees to fulfill their civic responsibilities by serving jury duty when summoned. Regular full-time employees shall be paid their regular pay while on jury duty leave in Tippecanoe County, and shall not receive jury duty pay. For jury duty outside Tippecanoe County, employees must return to Tippecanoe County any jury duty payment, excluding mileage/meal reimbursement.

Employees must show the jury duty summons to their elected official/department head as soon as possible so the elected official/department head may make arrangements to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits. Either the County or the employee may request an excuse from jury duty if, in the employer's judgment, the employee's absence would create serious operational difficulties.

While educational assistance is expected to enhance an employee's performance and professional abilities, the County cannot guarantee that participation in formal education will entitle the employee to automatic advancement, a different job assignment, or pay increases.

#### **4.10 WORKER'S COMPENSATION**

The County provides a comprehensive worker's compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, worker's compensation insurance provides benefits after a short waiting period.

Any employee who sustains a work-related injury or illness should inform is/her elected official/department head immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

All applicable forms are available in the Personnel Office. Employees should contact the Personnel Director to obtain information regarding this benefit.

Neither the County nor the insurance carrier will be liable for the payment of worker's compensation benefits for off-duty injuries or injuries that occur during an employee's voluntary participation in any off-duty recreational, social or athletic activity sponsored by the County.

An employee's sick and vacation shall continue to accrue while on Worker's Compensation Leave.

#### **4.11 BENEFITS CONTINUATION (COBRA)**

The Federal Consolidated omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the employer's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the employer's group rates plus, an administration fee.

The County provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the employer's health insurance plan. The notice contains important information about the employee's rights and obligations.

#### **4.12 PUBLIC EMPLOYEE'S RETIREMENT FUND (PERF)**

All regular full-time County employees, except Deputy Sheriffs who covered under the Sheriff Retirement Program, are covered by a PERF, a retirement program established and maintained by the State of Indiana. PERF pays benefits to cover workers or their dependents upon retirement, death and, in certain cases, serious illness or injury. The County contributes 3% of employees' gross wages for deposit in an annuity savings account. The contributions and accumulated interest credits are refundable when an employee terminates employment prior to being eligible for benefits. PERF's Employer Financed Pension requires ten (10) years of service to become vested, and is paid by the County based on an employee's length of employment, average salary and age at retirement. Questions concerning the program, should be directed to: Public Employees' Retirement Fund of Indiana, Harrison Building, Suite 800, 143 West Market Street, Indianapolis, IN 46204-2899; phone (317) 233-1615.

#### **4.13 DEFERRED COMPENSATION**

The County offers a deferred compensation program to eligible employees. Employees interested in participating should contact the Personnel office.

#### **4.14 EMPLOYEE INSURANCE**

The County provides a medical insurance program for regular full-time and regular part-time employees. The employee pays a semi-monthly portion of the cost as set by the Board of County Commissioners. Each employee shall receive an insurance handbook describing all benefits upon completion of the orientation interview. Group insurance benefits will continue while an employee is on disability leave; however, when in a non-pay status, employees will be responsible for the timely payment of those insurance premiums that are normally deducted from gross pay.

Specific details regarding eligibility and coverage are available in the Personnel office.

#### **4.15 RE-EMPLOYMENT**

Former employees who left County employment in good standing may be considered for re-employment. Former employees who resigned without adequate notice or who were dismissed for cause will not be considered for re-employment. A previously terminated employee who is re-employed will be considered a new employee from the date of re-employment, unless break in service is less than 365 days, in which case the employee shall retain accumulated longevity ; however, benefits will not accrue for time away from County service.

#### **4.16 LONG-TERM DISABILITY**

Employees may receive sixty percent (60%) of their base salary, not to exceed \$5,000.00 per month, for long-term disabilities. The length of payment depends on age at the time disability occurs. An elimination period of three months elimination must be satisfied.

## **5. WORKING CONDITIONS**

### **5.1 SAFETY**

Establishment and maintenance of a safe work environment is the shared responsibility of the County and all employees. The County will take all reasonable steps to ensure a safe environment for employees, customers, and visitors and to ensure compliance with federal, state, and local safety regulations.

Employees shall obey safety rules and exercise caution in all work activities, and shall immediately report any unsafe conditions to the elected official/department head. Reports and concerns about workplace safety issues may be made without fear of reprisal. All employees are expected to correct unsafe conditions as promptly as possible. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

All accidents that result in injury must be reported through to the elected official/department head, regardless of how insignificant the injury may appear. The elected official/department head must report such accidents to the Personnel Director. Such reports are necessary to comply with laws and initiate insurance and worker's compensation procedures.

### **5.2 EMERGENCY CLOSING**

Periodic emergencies, such as severe weather or power failures, can disrupt County operations, sometimes requiring closing of a work facility. When such an emergency occurs during non-working hours, local radio and/or television stations will be asked to broadcast notification of the closing.

When operations are officially closed for emergency conditions, the time off from scheduled work will be paid. The closing of work facilities does not normally apply to employees in essential public safety operations. In these circumstances, employees who work will receive regular pay.

### **5.3 USE OF TELEPHONES AND COUNTY MAIL**

Personal telephone calls should be limited in frequency and duration. Employees should use discretion in using County telephones when making local personal calls. Personal use of telephones for long-distance and toll calls is not permitted, except for emergencies. Employees shall reimburse the County for all long-distance/toll calls.

To ensure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner.

The mail system is reserved for business purposes only. Employees should refrain from sending or receiving personal mail at the workplace.

### **5.4 USE OF EQUIPMENT AND VEHICLES**

County equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using County property, including telephones, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Employees should promptly notify the elected official/department head of any equipment, machines, tools, or vehicles that appear to be damaged, defective, or in need of repair. Prompt



reporting could prevent deterioration of equipment and possible injury to employees or others. The elected official/department head can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job. Employees operating County vehicles shall maintain the ability to legally operate assigned vehicles.

Vehicles owned, leased or rented by the County may not be used for personal use without prior approval and shall not be driven out of Tippecanoe County, unless they are being used for official County business, and/or the special exceptions requiring authorization by the appropriate County authority.

Improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, may result in disciplinary action, including discharge.

#### **5.5 SMOKING**

In keeping with the County's intent to provide a safe and healthful work environment, the use of any tobacco products in County buildings is prohibited. This policy applies equally to all Elected Officials/Department Heads, employees and visitors. Signs are posted in County facilities.

#### **5.6 PERSONAL USE OF ORGANIZATION FACILITIES**

In order to minimize unnecessary expenses, prevent the loss of valuable work time, and prevent lowered morale of cooperative employees, personal use of County equipment and facilities, including bulletin boards, is prohibited to all employees.

#### **5.7 APPEARANCE OF WORK AREAS**

The County expects the work areas of all employees to be well organized, clean, and attractive. These qualities promote good health, productivity, safety, good morale, and customer respect.

#### **5.8 RECYCLING**

The County supports environmental awareness by encouraging recycling and waste management in its operating procedures. This support includes a commitment to purchase, use and dispose products and materials in a manner that will best preserve natural resources and minimize any negative impact on the environment.

Special recycling receptacles have been set at various areas throughout County facilities for separating and collecting computer paper, aluminum and glass.

The simple act of placing a piece of paper, can or bottle in a recycling container is the first step in reducing demand on the earth's limited resources. Success of this program depends on commitment and active participation by all of employees.

The County encourages source reduction and, when possible, eliminating use of disposable products. Source reduction decreases consumption of valuable resources through such practices as:

- two-sided photocopying
- using minimum packaging
- turning off lights when not in use
- reusing paper clips, folders, binders and packaging material
- routing reports amongst employees, rather than copying for each employee
- posting memos for all employees, rather than copying for each employee

- using computerized business forms
- eliminating fax cover sheets

Whenever possible, County employees are encouraged to purchase products for the workplace that contain recycled or easily recyclable materials. Buying recycled products supports recycling and increases markets for recyclable materials.

## **5.9 BUSINESS TRAVEL**

The County will reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location. All employees must obtain advance authorization from the elected official/department head before planning or embarking on business travel.

Employees whose travel plans have been approved are responsible for making their own travel arrangements. Whenever practicable, travel will be accomplished in a County vehicle or via common carrier. If a personal vehicle must be used for authorized travel, the employees shall be reimbursed at prevailing rates authorized by the County Council.

The County is responsible for authorizing all employee business travel and reimbursement of travel expenses, including overnight lodging, per day meal allowances, mileage reimbursement, and related expenses. Approved expenses will be reimbursed by the County as set by the State Board of Accounts. Such rates shall be regularly communicated to County elected officials.

Employees who are involved in an accident while traveling on business must promptly report the incident to their elected official/department head.

With prior approval, employees on business travel may be accompanied by a family member or friend, when the presence of a companion will not interfere with successful completion of business objectives. Generally, employees are also permitted to combine personal travel with business travel, as long as time away from work is approved, but non-business expenses are the responsibility of the employee.

Employees must submit completed travel expense reports and receipts for all individual expenses within thirty (30) days after travel.

Employees should contact their elected official/department head for guidance and assistance on procedures related to travel arrangements, expense reports, reimbursement for specific expenses, or any other business travel issues.

Abuse of this business travel expenses policy, including falsifying expense reports to reflect costs not incurred by the employee, can be grounds for disciplinary action, up to and including termination of employment.

Travel expenses will not be reimbursed when incurred on an unapproved trip.

Employee pay for travel time shall be determined according to applicable provisions of the Fair Labor Standards Act.

## **5.10 INTERNAL EMERGENCY PLAN**

The County provides employees with a copy of an internal emergency/disaster plan that outlines procedures for an emergency or disaster, such as a fire, tornado, or bomb threat. Employees are required to become familiar with and follow these emergency procedures to reduce the threat of injury to the public or County employees.

## **6. PERSONAL CONDUCT**

### **6.1 EMPLOYEE CONDUCT AND WORK RULES**

Employees are expected to maintain high standards of personal appearance, conduct, cooperation, efficiency and economy in their work. All employees should attempt to correct any faults in their performance which are called to their attention and should avoid any behavior which conflicts with County policies.

### **6.2 ATTENDANCE AND PUNCTUALITY**

To maintain a safe and productive work environment, the County expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the County. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, he/she should notify the elected official/department head as soon as possible in advance of the anticipated tardiness or absence. Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, including termination of employment.

### **6.3 PERSONAL APPEARANCE**

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image presented to visitors. During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work.

Consult your elected official/department head if you have questions regarding what constitutes appropriate attire.

### **6.4 COMMISSION OF A FELONY OR UNLAWFUL ACT**

Any employee found guilty of a felony may be subject to immediate dismissal. An employee charged with a felony or found participating in felonious activity, either during work hours or while off duty, will be subject to a leave of absence from work until a court of law establishes innocence or guilt.

Any employee found guilty of a misdemeanor may be subject to suspension or discharge, including not being legally qualified to operate assigned vehicles or equipment. Misdemeanors that involve County vehicles/property, or in which the related behavior reflects poorly on the employee and/or the County, will be treated similarly.

## **6.5 GIFTS OR GRATUITIES**

Employees are encouraged to maintain good relations with suppliers and others with whom the County conducts business. However, the practice of accepting gifts and/or gratuities may be contrary to the public interest. Employees shall not accept unreasonable gifts or gratuities from firms, organizations, agents, or other individuals who furnish or propose to furnish materials, goods, services to the County.

## **6.6 BUSINESS ETHICS/CONFLICT OF INTEREST**

The County recognizes and respects the right of individual employees to engage in activities outside the organization that do not in any way conflict with or reflect poorly on the County. A County employee who knowingly or intentionally obtains a pecuniary interest in or derives a profit from a contract or purchase connected with an action by the County commits a Class D felony, unless a financial disclosure form is approved in advance and filed as required by Indiana Code 35-44-1-3.

The County also recognizes its right and obligation to determine when an employee's activities present a conflict of interest with the County and to take whatever action is necessary to resolve the situation, including, but not limited to, terminating employment. This policy applies to all employees, as well as to former employees, where applicable.

Employees having financial interest in a company/corporation that might benefit from conducting business with the County must file a conflict of interest statement with the County Clerk and County Auditor. If deemed by an authoritative official to be in the best interest of the County, those employees shall either divest themselves of such interest or be discharged from County employment.

## **6.7 DEADLY WEAPONS FORBIDDEN**

No person shall possess a deadly weapon into a Tippecanoe County Government building and/or the property immediately surrounding such buildings without having received written permission from the Tippecanoe County Sheriff.

Any person who enters the Tippecanoe County Government building or the parcels of property contiguous thereto, consents to a search of their person, possessions or files, by metal detector or other reasonable means. A person waives any and all claims that they may have to be free from search and/or seizure for deadly weapon by entering or attempting to enter the real estate of the Tippecanoe County Government.

Any person may, in lieu of subjecting themselves to a search by the Tippecanoe County Sheriff or representative of the Sheriff, or any metal detection device, may immediately leave the premises of the Tippecanoe County Government.

The Tippecanoe County Sheriff, or any of his deputies, shall establish reasonable procedures to carry out the terms and conditions of this policy.

The Tippecanoe County Sheriff, and/or any law enforcement officers, may detain any person they have reason to believe possesses a deadly weapon in violation of this policy, for a sufficient amount of time to obtain the proper name, address, date of birth, social security number and/or to seize such deadly weapon.

This policy shall not apply to any full-time law enforcement officers employed by a unit of government while on active duty, judicial officers, County elected officials and any other persons

who have received written permission from the Tippecanoe County Sheriff, or his designee, to possess a weapon on the property of the Tippecanoe County Government.

In addition to the penalties provided by ordinance, any employee who violates this policy may be subject to disciplinary action, up to and including termination.

#### **6.8 SECURITY OF PREMISES/INSPECTIONS**

The County wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, the County prohibits the control, possession, transfer, sale or use of such materials on its premises. The County requires the cooperation of all employees in administering this policy.

Desks, lockers, and other storage devices may be provided for the convenience of employees, but remain the sole property of the County. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the County at any time, either with or without prior notice.

#### **6.9 CONFIDENTIALITY**

Employees shall consult with their elected official/department head before releasing information which is confidential or privileged by law. It is a violation of state law for a public servant to knowingly or intentionally disclose information classified as confidential.

#### **6.10 SOLICITATION AND DISTRIBUTION**

This policy is designed to protect the interests of the citizens of Tippecanoe County by ensuring that only official County business is transacted in work areas during employees' work time. This section shall include the promotion of religious beliefs or religious materials by employees or non-employees during work hours in the workplace.

There shall be no solicitation or distribution by employees or non-employees during work time in the workplace. This section does not apply to vendors and/or charity organizations who have received the approval of the Board of County Commissioners.

Employees shall not solicit other employees or non-employees during work time.

#### **6.11 PRINCIPLES OF EMPLOYMENT/WORK RULES**

Employees job performance and personal conduct directly impacts the County's ability to achieve its mission of service to the community. Therefore, the following work rules and principles of employment are adopted as guidelines for monitoring behavior and exercising disciplinary actions. Tippecanoe County employees are expected to follow procedures and guidelines set forth by the County and the employee's office/department policies.

##### **6.11.1 PROGRESSIVE DISCIPLINE**

When employees are disciplined in a progressive manner it is the County's objectives that the offending employee will recognize his/her violation of written policies or established work rules. Disciplinary should be administered consistently. The basic progressive disciplinary steps are as follows:

- a. Oral Reprimand - Documented for employee's file

- b. Written Reprimand - Documented for employee's file
- c. Three Day Suspension Without Pay - Documented for employee's file
- d. Discharge - Documented for employee's file.

In determine the level of discipline the Elected Official or Department Head shall consider the following:

- a. The severity and totality of the violation.
- b. The employee's history of violations of any rule.
- c. The effect of the present and prior violations upon the employee's performance of his/her job.
- d. The effect of the present and prior violations upon productivity of the employee's department.
- e. Any other relevant consideration.

#### **6.11.2 WORK RULES VIOLATIONS**

The following list of established work rules are not to be construed as exclusive or all-inclusive, or to in any way limit rules, guidelines, and restrictions set out elsewhere in this handbook. Tippecanoe County reserves the right to revise, supplement or rescind the rules as it deems appropriate. Each elected official/department head or their designee has sole discretion to give a verbal reprimand, a written reprimand, a suspension of pay or termination upon violation of any of the following work rules:

1. Tardiness.
2. Late reporting for work without justified explanation.
3. Unauthorized absenteeism.
4. No parking on courthouse square while working, except for short term pick-up or delivery of materials.
5. Reporting to work clothed or groomed in an unclean or inappropriate manner.
6. Failure to cooperate with other employees as required by job duties.
7. Distracting the attention of others, unnecessarily shouting, demonstrating or otherwise causing a disruption on the job.
8. malicious mischief, horseplay or other undesirable conduct, including use of profane or abusive language.
9. Loafing.
10. Littering or otherwise contributing to unsanitary conditions on County property.
11. Failure to secure facility and equipment when responsible.
12. Failure to notify authorized management before the regular show up time when unable to report for duty.
13. Leaving work area without authorization.
14. Unauthorized overtime.
15. Excessive absenteeism.
16. Failure to perform duties or fulfill job requirements as assigned or in a satisfactory manner.
17. Failure to report for overtime work without good reason after being scheduled to work.
18. Discourteous treatment of the public.
19. Willful failure to make required reports.
20. Unauthorized personal use of County equipment and supplies.
21. Failure to comply with purchasing procedures.
22. Unauthorized posting, removal, or alteration of notices or signs.
23. Failure to report mechanically defective conditions of equipment and/or failure to perform to preventative maintenance on equipment or vehicles used by employee.
24. Abandoning or leaving unattended any County owned vehicle, equipment or tools anywhere away from shops, garages and authorized storage sites, except as directed by supervisory personnel.
25. Damage or abuse of County equipment or property.

26. Failure to secure facility and equipment when responsible.
27. Unauthorized sleeping during working hours.
28. Bringing children to work during your normal working hours except for brief periods of time and approved by the office holder.
29. Mandatory requests for donations for gifts or charities.
30. Refusal to take or failure to pass any examination required for the job.
31. Unauthorized absences and/or absent without calling in for three (3) consecutive work days.
32. Failure to give medical certifications and/or Doctor's excuse in a timely manner.
33. Disobeying a reasonable order of supervisor to perform assigned work or to comply with written or verbal instructions.
34. Clocking another employee's time card/signing/completing another employee's time sheet with or without authorization.
35. Willful failure to sign in or out when required.
36. Making false or unfounded claims for injury, compensation, illnesses, leaves or disability.
37. Knowingly concealing a communicable disease, which may endanger other employees or the public.
38. Disclosure of confidential information.
39. Unlawful or negligent handling of public moneys.
40. Obliging Tippecanoe County for any expense, service or performance without authorization.
41. Making or publishing of false, vicious or malicious statements or information concerning any employee (including oneself-example: filing an incomplete employment application with intent to conceal material information), supervisors, the County, or its operations.
42. Falsifying or destroying any County records.
43. Sexual harassment.
44. Theft or dishonesty while on County property or while on County time.
45. Directing a subordinate or fellow employee to perform in a manner contradicting County procedures.
46. Personal conduct at work which is dangerous to others or self.
47. Threats of violence.
48. Fighting on County property or time unless the employee can prove that fighting was in self-defense.
49. Possession of any deadly weapon while on duty, County property of job site, unless authorized by the appropriate County officials.
50. Reporting for work under the influence and/or using alcohol or possession of controlled substances while on duty.
51. Discovery of opened containers of alcohol or discovery of controlled substances in or on County property under the employee's control, except if prescribed by a physician.
52. Failure to submit oneself to a blood test, urinalysis, or breathalyzer exam, pursuant to the Substance Abuse Policy.
53. Selling or participating in the distribution of illegal goods, services, drugs or narcotics on County property or while on County time.
54. Refusing to provide testimony in court during an accident investigation, or during any type public hearing when such investigation or public hearing is related to the employee's job duties.
55. Giving false testimony during a complaint or grievance investigation or hearing when such investigation or public hearing is related to the employee's job duties.
56. Failure to disclose at time of employment the past conviction of a misdemeanor and/or felony if reasonably related to the employee's duties or the public trust.
57. Conviction of a misdemeanor and/or felony if reasonably related to the employee's duties or the public trust.
58. Failure to follow safety regulations when safety of an employee or others are involved.
59. Failure to immediately report own personal accident or injury while on County time and/or involving County equipment or property.
60. Driving a County vehicle with a suspended license.

61. When authorization is required, unauthorized use, removal, or participation in the use of removal of County property, funds, equipment, tools, facilities, supplies, furnishing, County records, documents, papers, or copies thereof and/or other County property.
62. Violation of IC 35-44-1-3 failure to disclose conflict of interest of employee or member employee's immediate family having a monetary interest/business interest or deriving a profit in any matter directly related to the employee's official duties and the discharge of those duties. This includes having a personal interest in a business which supplies goods and services to the County.

## **7. PROBLEM RESOLUTION**

### **7.1 PROBLEM RESOLUTION FOR NON-COURT EMPLOYEES**

Employees and elected officials or department heads will benefit from a process that allows for free discussion of matters of mutual concern and effectively addresses complaints on specific policies.

The following procedures provide for open discussion and speedy resolution of issues of serious concern to any employee who thinks the County's policies have been violated, or who believes that he/she has been treated unfairly. A "complaint" is an employee's expressed dissatisfaction with what that employee believes, rightly or wrongly, to be unfair treatment or a mistake in the administration of a rule, plan, or County policy.

A complaint should be heard and resolved at the lowest organizational level. An employee has the following steps available to resolve complaints:

#### **STEP 1: Elected Official/Department Head (Oral Complaint)**

An employee should first discuss a complaint with the elected official/department head. The employee should schedule a time to discuss the situation with the elected official/department head and every effort should be expended to resolve the issue satisfactorily at this meeting.

#### **STEP 2: Elected Official/Department Head (Written Complaint)**

If a complaint cannot be solved satisfactorily by the employee and elected official/department head through discussion, or if the decision is not satisfactory to the employee, the employee may submit the complaint in writing. The employee may take or send the written complaint to the elected official/department head. Elected officials or department heads are encourage to give a written response to the complaint within five (5) days.

#### **STEP 3: Human Resources Manager/Personnel Administration Committee**

If the problem is not resolved, the employee may contact the Human Resources Manager for advice. If necessary, the Human Resources Manager will meet with the employee's elected official/department head and assist in reaching a satisfactory resolution.

At this level, the complaint may be referred to the Personnel Committee for review and counsel in reaching a satisfactory resolution.

#### **STEP 4: Elected Official/Department Head**

If a satisfactory solution is not reached, the elected official/department head having hiring/termination responsibility for the employee, will make a decision.

#### **STEP 5: County Commissioners**



When a complaint involves an elected official, a written complaint detailing the alleged employment violation may be directed to the County Commission for investigation. The Commissioners will take appropriate action as deemed necessary, including retaining independent professionals to assist in assessing the allegation.

## **7.2 PROBLEM RESOLUTION FOR EMPLOYEES OF THE COURT**

All employees under jurisdiction of Tippecanoe County Courts have the right to file a complaint regarding any disciplinary action. the following procedure is established for this purpose:

- a. An employee shall discuss his/her complaint with the supervisor who took the disciplinary action within ten (10) working days from the date the action was taken.
- b. If that discussion fails to resolve the problem, the employee may, within ten (10) working days following such discussion, bring the matter in writing to the attention of the elected official/department head. The elected official/department head shall request a response in writing from the supervisor and shall attempt to resolve the matter through conciliation within ten (10) working days.
- c. If the complaint remains unresolved after a review by the elected official/department head, the employee is entitled to a hearing before the Board of Judges by submitting a written request within ten (10) working days from the date the elected official/department head issued his/her decision.

## **8.0 COMPUTER USAGE AND SECURITY POLICY**

Updated 09/02/2008

### **8.1 COMPUTER USAGE AND SECURITY**

Tippecanoe County actively uses technology for its business and administrative functions. Information is processed and stored in vast amounts on the county computer systems. It is the responsibility of every Tippecanoe County Government employee and contract worker to safeguard the information and the physical assets of these systems. Computer security procedures are intended to reduce or eliminate threats to computer systems and electronic information. Many of these threats do not result from malicious intent; rather they stem from basic human error. Care and awareness are the two most significant safeguards. All employees and contract staff must know what is and is not allowed in the access to and the use of computer.

### **8.2 GENERAL GUIDELINES**

Tippecanoe County Government will develop and maintain policies and controls to ensure the security of computing and telecommunication equipment, the physical premises housing the equipment and the data used, stored or produced on the equipment. The Tippecanoe County Management Information Technology Services (MITS) Board and Tippecanoe County Commissioners will approve these policies and controls. The MITS Department will develop and maintain these policies on behalf of the government. Tippecanoe County Government Departments may develop supplemental policies and controls to accommodate specific requirements. These policies may not compromise government.

### **8.3 MITS ADVISORY BOARD**

The MITS Management Board will serve as the advisory/oversight committee for the County's information processing initiatives. The Board may be asked to consider proposals for large purchases of software and hardware, and to set policies and procedures for the MITS Department.

#### **8.4 MITS DEPARTMENT**

Tippecanoe County MITS is responsible for implementing and enforcing adequate computer security policies throughout the organization. Tippecanoe County MITS is responsible for ensuring that an adequate level of security and backup exists for all data whether processed or stored in-house or externally. Tippecanoe County MITS is responsible for ensuring that all of its automated processes are designed, developed and tested so that they function accurately and effectively. Tippecanoe County MITS is responsible for ensuring that all personnel, whether employed by Tippecanoe County Government or under contract to a department, are made aware of the appropriate security policies and procedures and of their responsibility to conform to those policies and procedures. Tippecanoe County MITS is responsible for ensuring that all computing facilities processing Tippecanoe County Government information comply with Tippecanoe County Government security specifications. Tippecanoe County MITS is responsible for ensuring that all staff receives adequate training in the use of hardware and software required for the performance of their jobs. Tippecanoe County MITS is responsible for ensuring that all software installed on Tippecanoe County Government computers is properly licensed and authorized.

#### **8.5 SECURITY AWARENES**

The MITS Department will develop and maintain the Computer Usage and Security Policies and Procedures. The MITS Department will review the Computer Usage and Security Policies and Procedures on an annual basis. A copy of the Computer Usage and Security Policies and Procedures will be provided to each Tippecanoe County Government Department by the MITS Department.

Department Heads will ensure that all employees and contract workers in their departments are aware of and have access to the Computer Usage and Security Policies and Procedures. The MITS Department will report periodically to department heads on the level of adherence to the Computer Usage and Security Policies and Procedures.

*Each Department Head is delegated responsibility and authority to implement and enforce these policies within their own department, following Tippecanoe County's DISCIPLINARY WARNING PROCEDURE in the PERSONNEL POLICY MANUAL, wherever and whenever it is in their control to do so.*

#### **8.6 PHYSICAL SECURITY**

Computer and telecommunications equipment must be protected from physical damage or theft.

Security for equipment such as personal computers, printers, modems, etc., which is maintained outside the physical control of MITS is the responsibility of the Tippecanoe County Government Department where that equipment resides.

Access to computer and server rooms will be limited to staff who require access for the normal performance of their job. Offices where Equipment is housed must be locked during non-business hours. Equipment housed in open areas should be attached to an immovable object by a security cable if possible. Electrical power protection devices to suppress surges, reduce static, and provide battery backup in the event of a power failure should be used as necessary. Plans to

remove equipment from Tippecanoe County Government property daily or on occasion must have prior approval from the Department Head and MITS.

Computers left unattended while logged into the network may allow unauthorized personnel to access or modify information. Every user should secure the machine before leaving his/her station.

#### **8.7 NETWORK SECURITY**

MITS will ensure that the software security implemented on the networks it manages is installed and functioning correctly. MITS will monitor network security on a regular basis. Adequate information concerning network traffic and activity will be logged to ensure that breaches in network security can be detected. MITS will implement and maintain procedures to provide adequate protection from intrusion into Tippecanoe County Government's computer systems from external sources. Any computer containing sensitive data will be secured from unauthorized access by network-level security procedures. No computer that is connected to the network can have stored, on its disk(s) or in its memory, information that would permit access to other parts of the network. For example, scripts used in accessing a remote host may not contain passwords.

#### **8.8 DATA SECURITY AND PASSWORDS**

MITS will develop and observe standards and procedures to ensure the security of technical and user data. The owner of the data must determine security for the data stored on computer systems. The standards and procedures herein should be adhered to accordingly.

Each user will be assigned and be responsible for their own unique user ID and password. Only the authorized user of that ID and password should know a password. Passwords should be treated as confidential information. Userids and passwords will control access to all computer resources except for those identified as having public access. It is the Policy of Tippecanoe County Government that:

1. All passwords will be 6 or more characters, which must include at least one numeric character.
2. The user must change passwords periodically. All computer resources will require passwords to be changed at least every 120 days and be unique up to or exceeding eight previous passwords.
3. The maximum number of unsuccessful sign-on attempts before deactivation of a user account is three.
4. All passwords must be encrypted at display.
5. All user accounts on the Tippecanoe network after 60 minutes of inactivity will activate a locked screen saver. Only the user or the system administrator will be able to unlock the account.
6. It is the responsibility of each user given access to computer resources with a userid and password to protect that information. Only the authorized user of the userid and password will know the password.

Passwords should not be written down or shared with other users. Users must select passwords that conform to standards, as to size and characters used, and cannot be easily guessed by other users. User access should also be restricted to only those functions they are authorized to perform.

Confidential data should be protected by passwords, which are known only to authorized personnel. Department Heads and the Human Resources Department must notify MITS of personnel leaving their department who have terminated employment or have been assigned to other duties. MITS will then delete that user ID or adjust access rights as directed by the Department Head.

Data encryption techniques should be used when highly confidential information is stored. If a Department Head feels encryption is necessary, he/she should contact MITS for assistance. The required data security level, as determined by the owner, must be retained when the data is moved or copied to another system. Confidential documents must have in the header or footer of the document words stating that the document is confidential. Example "TIPPECANOE COUNTY CIRCUIT COURT CONFIDENTIAL". Printed reports containing confidential data must be stored and discarded appropriately. Determining confidentiality is determined by owning department.

#### **8.9 ACCESS TO TIPPECANOE COUNTY GOVERNMENT COMPUTERS**

Tippecanoe County Government will provide access to computer systems to all Tippecanoe County Government staff as required by their job assignment. External people who are determined to be strategically important to Tippecanoe County Government will also be given access subject to approval by a Tippecanoe County Government department head and MITS/MITS Board. Implementation of this policy is the responsibility of the data owners of each system.

Appropriate restrictions should be placed on access given to external people. The department head assumes responsibility for the use of this access. When a new employee is hired, the Department Heads must notify MITS by completing the User Access Form via Outlook. The Department Heads must also notify MITS via the User Access Form when an employee is no longer employed by Tippecanoe County Government for any reason. An audit of all approved access will be completed periodically and a report will be given to the appropriate department head.

#### **8.10 PERSONAL COMPUTER SECURITY**

Only legally licensed software will be installed on Tippecanoe County Government computers. Users are expected to read, understand and conform to the license requirements of any software product(s) they use. No modems are to be installed on network PC's without prior approval from MITS. Access control software which requires a password to gain access to the computer and/or its applications should be used in an environment where a personal computer is shared by several users or is located in an area where access cannot be controlled. It is the responsibility of each computer user to protect their computer against virus attack. MITS will provide access to virus protection software for desktop computers.

**See also Physical Security, Data Security, and Virus Protection**

#### **8.11 APPROVED SOFTWARE**

MITS will maintain a list of approved software for general computing uses, including but not limited to word processing, spreadsheet, database, networking, Internet browsing, and electronic mail. Only software on the approved software list will be maintained and supported by the MITS department. Approval of software pertaining to drafting and geographic information manipulation will be deferred to the MITS Department. All software installed on County computers must be approved by the MITS Department. No personally owned software may be installed without express permission of MITS. No software owned by the county may be installed on computer outside of the county without the express permission of the MITS Department.

MITs will not support any Instant Messaging software (for example, AIM, ICQ, MSN) or any Hotbar/toolbar software (software that allows animations, background, and allows creation of e-cards), this type of software will be blocked from the Internet accessibility list. Software that periodically goes out to the Internet to receive updated information that is not business related such as Weather Bug, Web Shots, Gator, Gain, Kazaa, sports and market tickers will not be supported by the MITs department. Internet access to this type of software will be blocked. In the event this software is found to be running on a county computer it will be removed. MITs will not support non-approved non-licensed software.

#### **8.12 PERSONAL HARDWARE**

No personally owned computer hardware will be attached to County computing equipment without express permission from the MITs Department. MITs reserves the right to withdraw previously granted permission at any time.

#### **8.13 CONNECTIVITY**

All hardware and software installed with intent to connect to the Tippecanoe County Government Wide Area Network must be compatible with the existing network standards. This includes permanent and temporary installs. Contact the MITs Department for definition and clarification of the appropriate standard in place for the intended connectivity.

#### **8.14 VIRUS PROTECTION**

All users must be vigilant to avoid contamination or damage from computer viruses, Trojan horse programs, and other malicious software. Any diskette used outside the network should not be used on a County machine without first being scanned by an up-to-date virus-scanning program. E-mail attachments should be viewed with great suspicion. Only **expected** attachments from known and trusted senders should be opened or used. All machines on the County's network will be configured with virus protection software by MITs. Furthermore, the County's servers, including E-mail servers, will be protected from known viruses. **Virus protection software should not be viewed as a safety net that allows dangerous activity.** Every user should follow the above rules to minimize infection.

#### **8.15 PURCHASING**

The MITs Department offers consulting services to any County department wishing to purchase hardware or software. To ensure that these items are best suited for the desired task and compatible with the County's computing environment, all purchases should be handled by MITs. The MITs Board will be involved with larger purchases.

#### **8.16 BACKUP POLICY**

The owner of the data must determine the backup requirements. Importance and ease of re-creation should be considered in making this determination. Adequate backup facilities will be provided to all computer users. Software and data should be backed up to a transportable medium on a periodic basis and stored appropriately (onsite or offsite) to ensure adequate integrity and availability. The MITs Department will assume the responsibility for the backup of all centrally stored information, including information found on servers, mainframes, and minicomputers.

Users are strongly encouraged to store data critical to their job functions on the County servers. Any data stored on local drives will be the responsibility of the user. The MITS Department may at times need to erase the local drives on a personal computer in order to install a new operating system or resolve a problem. The users should not assume that MITS will backup and restore any locally stored data.

#### **8.17 E-MAIL AND INTERNET**

E-Mail and Internet are to be used for business purposes. Personal use of these facilities is prohibited without prior consent of the Department Head and MITS. In the event that personal use occurs, that usage must not interfere with business activities, must not involve solicitation, must not be associated with any "for personal profit" outside business activity, and must not potentially embarrass the Tippecanoe County Government, its taxpayers or its employees. Foul, offensive, defamatory, pornographic or other inappropriate communication is prohibited. Because e-mail is being generated for Tippecanoe County business the user shall not have the expectation that their e-mail files are private. The County reserves the right to monitor e-mail on any employee at any time. Likewise, evidence of Internet usage, including but not limited to web logs, history lists, and temporary files, are considered public record. Internet usage is also tracked and monitored by the County.

Tippecanoe County Government/MITS Board reserves the right to block and/or monitor Internet access to any sites management deems offensive or undesirable. Access to web sites containing games, gambling, entertainment, streaming media, personals and dating, instant messaging, hotbars, and news tickers will be blocked.

By signing this personnel policy manual you are agreeing to abide by the Computer Usage and Security policies set forth. Violation of any of the above policies may result in termination.

### **9. FEDERAL MOTOR CARRIER SAFETY REGULATIONS/SAFETY-SENSITIVE POSITIONS**

#### **9.1 STATEMENT OF PURPOSE AND POLICY**

Employees are an extremely valuable resource for Tippecanoe County Government. Their health and safety is a serious concern of Tippecanoe County Government. Drug or alcohol use may pose a serious threat to employee health and safety. It is therefore, the policy of Tippecanoe County Government (hereafter referred to as County) to prevent substance use or abuse from having an adverse effect on our employees. The County maintains that the work environment is safer and more productive without the presence of alcohol, illegal or inappropriate drugs in the body or on County property. Furthermore, employees have a right to work in an alcohol and drug-free environment and to work with employees free from the effects of alcohol and drugs. Employees who abuse alcohol or use drugs are a danger to themselves, their coworkers and the County's assets.

The adverse impact of substance abuse by employees has been recognized by the federal government. The Federal Motor Carrier Safety Administration ("FMCSA") has issued regulations, which require the County to implement a controlled substance testing program. The County will comply and require that a driver submit to alcohol and a controlled substance test administered in accordance with these regulations and is

committed to maintaining a drug-free workplace. All employees are advised that remaining drug-free and medically qualified to drive are conditions of continued employment with the County.

Specifically, it is the policy of the County that the use, sale, purchase, transfer, possession or presence in one's system of any controlled substance (except medically prescribed drugs) by any employee while on County premises, engaged in County business, while operating County equipment, or while under the authority of the County is strictly prohibited. FMCSA states that mandatory testing must apply to every person who operates a (CMV) in interstate or intrastate commerce and is subject to the Commercial Driver's License (CDL) licensing requirement.

The execution and enforcement of this policy will follow set procedures to screen body fluids (urinalysis), conduct breath testing, and or search all employee applicants for alcohol and drug use, and those employees suspected of violating this policy who are involved in a U.S. Department of Transportation (DOT) reportable accident or who are periodically or randomly selected pursuant to these procedures. These procedures are designed not only to detect violations of this policy, but to ensure fairness to each employee. Every effort will be made to maintain the dignity of employees or applicants involved. Disciplinary action will, however, be taken as necessary.

Neither this policy nor any of its terms are intended to create a contract of employment or to contain the terms of any contract of employment. The County retains the sole right to change, amend or modify any term or provision of this policy without notice. This policy is effective upon passage by the Board of Commissioners and will supersede all prior policies and statements relating to alcohol or drugs.

#### **Administration Guide to County's Personnel Alcohol and Drug Testing Procedures**

### **9.2 PURPOSE**

This purpose of this administrative guide is to set forth the procedures for the implementation of controlled substance and alcohol use and testing of employee applicants, current employees and employees pursuant to the Tippecanoe County Alcohol and Drug abuse Policy. These procedures are intended as a guide only, and are in no way intended to alter any existing relationship between the County and any employee.

The County's alcohol and drug program administrator designated to monitor, facilitate, and answer questions pertaining to these procedures is Safety Coordinator, Highway; Captain-Administration, Sheriff; Maintenance Director, Parks and Recreation.

### **9.3 PROVISIONS**

### **9.3.1 APPLICABILITY**

This policy applies to all County employees that utilize a (CDL) in the course of their employment. A valid CDL is required to operate the type of equipment listed below:

1. A vehicle having a Gross Vehicle Weight Rating (GVWR) as assigned by the manufacturer of 26,001 pounds or more; or
2. A combination vehicle having a Gross Combination Weight Rating of 26,001 pounds or more.
3. A vehicle that is designed to transport 16 or more passengers, including the driver; or
4. A vehicle requiring a placard to transport hazardous materials.

### **9.3.2 PROHIBITED CONDUCT**

The following shall be considered “prohibited conduct” for purposes of this policy.

1. No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcoholic concentration of .04 or greater. An employee is considered to be performing a safety-sensitive function if he/she is actually performing, ready to perform, or immediately available to perform any of the following on-duty functions:
  - A. All time spent at a facility waiting to be dispatched;
  - B. All time inspecting, servicing, or conditioning any vehicle (CMV) at any time;
  - C. All driving time or time spent at the driving controls of a commercial vehicle in operation;
  - D. All time spent loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, including completion of any related paperwork; and remaining in readiness to operate the vehicle;
  - E. All time performing those duties required of an employee involved in a vehicle accident; or
  - F. All time spent repairing, assisting, or attending to a disabled motor vehicle;
2. No employee shall be on duty or operate a commercial vehicle while the employee possesses alcohol.
3. No employee shall use alcohol while performing safety-sensitive functions.
4. No employee shall perform safety-sensitive functions within four (4) hours after using alcohol.
5. No employee required to take a post-accident test shall use alcohol for eight (8) hours following the accident or until he or she undergoes a post-accident test, whichever occurs first.



6. No employee shall refuse to submit to a post-accident, random, reasonable suspicion, return-to-duty, or follow-up alcohol or drug test.

#### **9.3.3 PRESCRIPTION MEDICATION AND/OR OTHER MEDICATION USE**

1. An employee is prohibited from reporting for duty or remaining on duty when the employee uses any controlled substance, except when the use is pursuant to the written instruction of a physician who has advised the employee that the substance will not adversely affect their ability to safely perform their duties. The employee must provide the County with proof of such medical advice. The County can decide the employee can remain at work or on the County premises and what work restrictions, if any, are deemed necessary.
2. Any employee who is using a prescribed drug or other medication, which is known or advertised as possibly affecting or impairing judgment, coordination or other senses, (including dizziness or drowsiness), or which may adversely affect the employee's ability to perform work in a safe and productive manner, must notify the County prior to starting work or entering any County premises. The County will decide if the employee can remain at work or on the premises and what work restrictions, if any, are deemed necessary.
3. Ingestion of products that contain hemp will not be an acceptable explanation for testing positive for marijuana.

#### **9.3.4 REFUSAL TO TEST**

Refusal to submit to the types of drug and alcohol tests employed by the County will be grounds for refusal to hire employee/applicant(s) and to discipline existing CDL employee(s). A refusal to test would include any of the following situations:

1. Failing to appear for any test within a reasonable time after being directed to do so.
2. Failing to remain at the testing site until the testing process is completed.
3. Failure to provide a breath sample, saliva sample or urine sample as directed.
4. Failure to permit, if the situation requires, the observation or monitoring of providing a urine specimen.
5. Failure to provide a urine, breath or saliva specimen within required time frames may be considered a refusal. If an employee cannot provide a sufficient quantity of urine or breath, he/she will be directed to be evaluated by a physician of the County's choice. If the physician cannot find a legitimate medical explanation for the inability to provide a specimen (either breath or urine), it will be considered a refusal to test. In that circumstance the employee has violated one of the prohibitions of the regulations.
6. Failure to undergo a medical examination or evaluation, as directed by the Medical

Review Officer (MRO) as part of the verification process, or as directed by the Designated Employer Representative (DER) as part of a “shy bladder” or “insufficient breath” situation.

7. Failing or declining to take a second test as required by DOT regulations.
8. Failure to cooperate with any part of the testing process and/or conduct that would obstruct the proper administration of a test. (e.g., refusing to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process).
9. Refusing to sign step two (2) of the alcohol testing form.
10. A report from the MRO that you have a verified adulterated or substituted test result.

#### **9.3.5 TYPES OF TESTS**

Pursuant to regulations promulgated by the Department of Transportation (DOT), the County has implemented six circumstances for drug and alcohol testing: pre-employment (drug testing only), post-accident, random, reasonable suspicion, return-to-duty, and follow-up testing

#### **9.3.6 PRE-EMPLOYMENT TESTING**

As a condition of employment, the employee applicant shall provide the County with a written authorization for all previous employers within the past two (2) years to release drug and alcohol testing records, as the regulations require. Within thirty (30) days of performing a safety-sensitive function, DOT regulations require that the County obtain, to the extent available, certain drug and alcohol testing records from the employee’s previous employers for the previous two (2) years. All applicants who are required to have or obtain a CDL must submit to a urine drug test unless a qualifying pre-employment exemption can be documented.

#### **9.3.7 RANDOM TESTING**

The County conducts random drug and alcohol testing. The County will submit all employees’ names to a random selection system. The random selection system provides an equal chance for each employee to be selected each time random selection occurs. Random selections will be reasonably spread throughout the year. The County will drug test, at a minimum, fifty (50) percent of the average number of employee positions in each calendar year or at a rate established by the DOT for the given year. The County will select, at a minimum, ten (10) percent of the average number of employee positions in each calendar year for random alcohol testing, or at the rate established by the DOT for the given year. Random selection by its very nature, may result in employees being selected in successive selections more than once a calendar year.

If an employee is selected at random, for either drug or alcohol testing, a County official will notify the employee. Once notified, the employee must proceed to the designated collection site immediately. If the employee does not go to the collection site as soon as possible after notification, such conduct may be considered a refusal to test.

#### **9.3.8 POST-ACCIDENT TESTING**

Following any accident, the employee must contact the Safety Coordinator, Highway; Captain-Administration, Sheriff; Maintenance Director, Parks and Recreation as soon as possible. The employee must submit to a Federal DOT drug and alcohol test any time he or she is involved in an accident where 1) a fatality is involved; or 2) the employee receives a citation for a moving violation arising from the accident that involved:

1. Injury requiring medical treatment away from the scene, or
2. One or more vehicles having to be towed from the scene.

The employee shall follow the instructions from the County or its representative to complete required testing.

For other accidents not covered by the DOT definition above, the County may require a non-regulated drug and alcohol test when:

1. The employees actions may have contributed or cannot be completely discounted as a contributing factor to an accident,
2. In this case, an accident shall mean an incident which results in damage over \$1000.00 or personal injury, or
3. An incident results in a lost time injury.

Any time a post-accident drug or alcohol test is required, it must be performed as soon as practical. If no alcohol test can be made within eight (8) hours, attempts to perform an alcohol test shall cease. If no urine collection can be obtained for the purpose of post-accident drug testing within thirty-two hours, attempts to make such collection shall cease. An employee is prohibited from consuming alcohol between the time of the accident and the test.

In the event that federal, state, or local officials conduct breath or blood test for the use of alcohol and/or urine tests for the use of controlled substances following an accident, employees must comply with law enforcement personnel requests. The County may request testing documentation from such agencies, and may ask the employee to sign a release allowing the County to obtain such test results.

In the event an employee is so seriously injured that the employee cannot provide a sample of urine, breath or saliva at the time of the accident, the employee must provide necessary authorization for the County to obtain hospital records or other documents that would indicate the presence of controlled substances or alcohol in the employee's system at the time of the accident.

#### **9.3.9 REASONABLE SUSPICION TESTING**

Reasonable suspicion for requiring an employee to submit to drug and/or alcohol testing shall be deemed to exist when an employee manifests physical, behavioral, speech or performance symptoms or reactions commonly attributed to the use of controlled

substances or alcohol. Such employee conduct must be witnessed by a supervisor who is trained in compliance with Part 382.603 of the Federal Motor Carrier Safety Regulations.

A supervisor observing such conditions will take the following actions immediately:

1. Confront the employee involved, and keep under direct observation until the situation is resolved.
2. Secure the DER's concurrence to observations. After discussing the circumstances with the DER, arrangements will be made to observe or talk with the employee. If he/she believes, after observing or talking to the employee that the conduct or performance problem could be due to substance abuse, the employee will be immediately required to submit to a breath test or urinalysis. If the employee refuses to submit to testing for any reason, the employee will be informed that continued refusal would result in disqualification from performing any safety-sensitive function.
3. Employees will be asked to release any evidence relating to the observation for further testing. Failure to comply may subject the employee to subsequent discipline or suspension from driving duties. All confiscated evidence will be receipted for with signatures of both the receiving supervisor, as well as the provider.
4. The DER shall, within 24 hours or before the results of the controlled substance test are released, document in writing the particular facts related to the behavior or performance problems, that led to the reasonable suspicion test and maintain this documentation in appropriate DOT files.
5. The DER shall remove or cause the removal of the employee from the County-owned vehicle and ensure that the employee is transported to an appropriate collection site and thereafter to the employee's residence or, where appropriate, to a place of lodging. Under no circumstances will that employee be allowed to continue to drive a County vehicle or his/her own vehicle until a confirmed negative test result is received.

#### **9.3.10 RETURN TO DUTY TESTING**

A return to duty test will be required for all employees who have violated this policy (test positive, have an adulterated or substituted specimen or refuse to test). The employee may not return to duty until he or she passes (tests negative) a drug test and/or tests below a .02 for breath alcohol and the MRO or SAP (Substance Abuse Professional) and the County have determined that the employee may return to duty.

#### **9.3.11 FOLLOW-UP TESTING**

Any employee who has returned to work following a violation of this drug and alcohol policy will be subject to follow-up testing. At a minimum six follow-up tests will be required within the first twelve months following an employees return to work, and less frequently during the next 4 years. Employees covered by a DOT agency will be tested in accordance with DOT regulations and the recommendations of the substance abuse professional.

### **9.3.12 CONTROLLED SUBSTANCE TESTING PROTOCOL**

#### **9.3.12A URINE COLLECTION PROCEDURES**

1. The testing procedure starts with the collection of a urine specimen.
2. Collection procedures will follow the specific guidelines set forth by the DOT as outlined in the published collection procedures guidelines.
3. Employees will be directed to empty their pockets and display the contents to the collector.
4. Employees will be allowed privacy during the collection process except as noted in number 5 below.
5. Observed collections are required by DOT if:
  - a. The specimen is determined invalid and there is no medical explanation.
  - b. The collector observes evidence of an employee's attempt to tamper with the specimen.
  - c. The temperature of the specimen is out of range.
  - d. The specimen appears to have been tampered with.
6. Observed collections may be required on return-to-duty and follow-up tests.
7. As part of the collection process, the specimen provided will be split into two portions; a primary specimen and a secondary (split) specimen.
8. If the employee is unable to provide 45 ml of urine, the DOT "shy bladder" rule will apply. The employee will have up to 3 hours to provide the required 45 ml, and may consume up to 40 ounces of fluids during this time period. The employee will be required to be monitored during the waiting period.
9. After collection, the specimen will be submitted to a SAMHSA (Substance Abuse and Mental Health Services Administration) certified laboratory for testing.

#### **9.3.12B LABORATORY PROCEDURES**

Drug testing will be performed through urinalysis. Urinalysis will test for the presence of drugs and/or metabolites of the following controlled substances: marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).

The SAMHSA certified laboratory will perform initial screenings on all primary specimens. In the event that the primary specimen tests positive, a confirmation test of that specimen will automatically be performed. If the confirmatory test is positive it will be reported to the (MRO) as a positive.

#### **9.3.12C VALIDITY TESTING**

The laboratory must also perform validity testing on each specimen received. The purpose of validity testing is to determine whether certain adulterants or foreign

substances were added to the urine, if the urine was diluted, or if the specimen was substituted. The following will be measured: creatinine level, specific gravity, and pH. In addition, all specimens will be tested for known adulterants. An initial validity test is performed first, followed by a confirmation test if required.

All laboratory results will be reported by the laboratory to a MRO designated by the County or its agents.

#### **9.3.13 MRO PROCEDURES**

1. All tests results will undergo a review process by the MRO.
2. Negative test results will be reported directly to the County by the MRO.
3. Positive, adulterated or substituted results will be handled in the following manner by the MRO:
  - a. Before reporting a positive, adulterated or substituted test result to the County, the MRO will attempt to contact the employee to discuss the test result.
  - b. The employee is required to discuss the result with the MRO. The employee will be allowed to explain and present medical documentation to explain any permissible use of a drug.
  - c. For adulterated or substituted results, the employee must demonstrate that he or she did produce or could have produced urine, through physiological means, a specimen meeting the creatinine and specific gravity criteria of a substituted or adulterated specimen.
  - d. If the MRO is unable to contact the employee directly, the MRO will contact the DER designated in advance by the County, who shall, in turn, contact the employee and direct the employee to contact the MRO. Upon being so directed, the employee shall contact the MRO immediately or, if the MRO is unavailable, at the start of the MRO's next business day.
  - e. If, after failing to contact the MRO within 72 hours after being instructed to do so by the DER, or if the employee cannot be contacted at all within ten (10) days, or the employee expressly declines the opportunity to discuss the test, the MRO may verify the test as positive or a refusal.
  - f. In the MRO's sole discretion, a determination will be made as to whether a result is verified as positive, negative or considered a refusal.
  - g. After any verified positive or refusal to test determination, the employee may petition the MRO to reopen the case for reconsideration.

#### **9.3.14 DILUTED SPECIMEN**

If a specimen is reported diluted by the laboratory, the MRO will report this information to the DER. The County policy will require an immediate recollect for another test. The result of this test will stand as the final result.

#### **9.3.15 MEDICAL INFORMATION DISCLOSURE**

Pursuant to DOT regulations, if in the MRO's opinion, any information provided may mean a medical disqualification or represent a safety hazard, such as the use of certain prescription drugs, the MRO must disclose this to the County. Individual test results for employee applicants and employees will be released to the County and will be kept strictly confidential unless consent for the release of the test result has been obtained. Any individual who has submitted to drug testing in compliance with this procedure is entitled to receive the results of such testing upon written request.

Safeguards for the integrity of the drug testing process:

1. The collector must obtain photo identification from the donor or identification by supervisor prior to administering the test.
2. The employee will be asked to wash their hands.
3. The donor signs the chain of custody form signifying the correctness of data for test reporting.
4. Electronic communication of test results from the laboratory into the MRO reporting system with no external human intervention.
5. The specimen container and specimen bottles are individually wrapped and unwrapped in donor's presence.
6. After the specimen is provided in a reasonable time, the collector inspects it for sufficient volume, temperature and signs of tampering. If a specimen is not provided, the employee will be referred to a MRO to determine whether there is a valid medical reason. If there is, the employee must still attempt to provide a specimen each time their name is drawn.
7. After the specimen is given to the collector, the remaining collection procedures are conducted in donor's view.
8. The specimen bottles and shipping container are sealed with tamper evident seals.
9. The donor will be asked to sign the seals covering the specimen bottles identifying they were sealed in their presence.
10. The specimen bottle seals match the identifying seals on the chain of custody form.
11. The laboratory will check the specimen bottles upon receipt to insure the seal has not been broken. If the seal has been broken the laboratory will report the test as cancelled.
12. Blind sample submission through the laboratory for quality control.
13. A collector who has completed the qualification training as mandated in CFR Part 40 as amended will perform the collection.

#### **9.3.16 SPLIT SPECIMEN TESTING PROTOCOL**

An employee may request that the "split" portion of his/her specimen be tested at a different SAMHSA laboratory if he/she was notified by the MRO that his/her test result was positive, adulterated or substituted. The request must be made to the MRO within 72 hours of being notified of a verified positive, adulterated or substituted result. The MRO will arrange for all procedures to be done in accordance with split specimen testing procedures.

The cost of a split specimen test will be the responsibility of the employee. If the employee makes a timely request (within 72 hours) to the MRO for the split portion to be tested, the MRO shall immediately make arrangement with the laboratory to initiate the process.

#### **9.3.17 ALCOHOL TESTING PROTOCOL**

Alcohol tests will be conducted by a trained Breath Alcohol Technician (BAT) or Screening Test Technician (STT). Screening tests may be done using an evidential breath-testing device (EBT) or non-evidential screening device approved by the National Highway Traffic Safety Administration (NHTSA). Confirmatory tests will be done by a trained BAT using an evidential breath-testing device. The employee shall report to the alcohol-testing site as notified by the County. The employee shall follow all instructions given by the alcohol technician.

If the result of a screening test is a breath alcohol concentration (BAC) of less than 0.02, no further testing is authorized. Any initial test indicating a BAC of .02 or greater will be confirmed on an EBT operated by a BAT. The confirmation test will be performed no sooner than fifteen (15) minutes and no later than thirty (30) minutes following the completion of the initial test. In the event the confirmation test indicates a BAC of .020 to .039, the employee shall be removed from duty for twenty-four (24) hours or until his/her next scheduled on-duty time, whichever is longer. Employees with tests indicating a BAC of .04 or greater are considered to have engaged in prohibited conduct, which may result in disciplinary action up to and including termination. All alcohol tests shall be performed just prior to, during, or just after performing a safety sensitive function.

#### **9.3.18 ALCOHOL TESTING SAFEGUARDS FOR EMPLOYEE'S PROTECTION**

1. The BAT must obtain donor's photo identification prior to administering the test.
2. An individually wrapped mouthpiece will be opened and inserted into the EBT for the donor's test.
3. The NHTSA approves the EBT that is used.
4. Calibration checks are frequently performed to insure the EBT is working efficiently.
5. If the screening test indicates a 0.02 or greater, a confirmation test will be administered.
6. An air blank will be administered prior to the confirmation test with a 0.000 reading.
7. An individually wrapped mouthpiece will be inserted for the confirmation test.
8. The BAT has completed the required training course in the correct operation of the EBT.

#### **9.3.19 EDUCATIONAL MATERIALS**

The County shall provide educational materials that explain the requirements of Part 382.601 of the Federal Motor Carrier Safety Regulations (FMCSR), consequences of



violating the regulations, and the County's policies and procedures with respect to meeting these requirements. The materials supplied to the employees may include information on additional County policies with respect to the use or possession of alcohol or controlled substances, for example, the consequences for an employee found to have specified alcohol or controlled substances level based on the County's authority independent of Part 382.601 of the FMCSR. Materials will also be provided concerning the effects of alcohol and controlled substances use on an individual's health, work and personal life.

Employees are required to attend an educational meeting(s) to discuss the County's policies and procedures and to review all materials covered by this procedure. Each employee is required to sign a statement (certificate of receipt) certifying that he or she has received a copy of these materials described in Part 382.601 of the FMCSR. The County shall provide these materials to each employee prior to the start of alcohol and controlled substance testing and to each employee subsequently hired or transferred into a position requiring driving a commercial vehicle.

#### **9.3.20 DISCIPLINARY PROCEDURES**

Any employee who has a positive test for alcohol (.04 BAC or greater) or controlled substances or has refused to test is considered in violation of this policy. This employee is not qualified to drive a CMV and will be immediately removed from safety-sensitive duty. The consequences of testing positive or refusing to test are outlined below.

Employees who test positive for alcohol (.04 BAC or greater) are required to be removed from duty immediately and complete any required rehabilitation recommended by a substance abuse professional before a CDL position may be resumed.

Employees testing .02 or greater but less than .04 must be removed from duty for a period of 24 hours. (NO additional testing is required to return to duty)

Employees refusing to test for alcohol or drugs will be terminated.

Employees testing positive for drugs will be terminated upon completion of tests.

Employees with adulterated or substituted test results will be retested immediately after notification of original test. A retest will be paid for by the employee. A positive test result on a retest will be cause for termination

#### **9.3.21 SUBSTANCE ABUSE EVALUATION AND FOLLOW UP TESTING UPON TERMINATION**

Any employee who is removed from service is not qualified to perform safety-sensitive duties requiring a commercial drivers license. Such employee shall be provided with the names, addresses, and telephone numbers of qualified substance abuse professionals (SAPs) who are approved by the County.

### **9.3.22 VOLUNTARY DISCLOSURE**

The County encourages employees to seek help if they feel they have a problem with drug or alcohol misuse before it becomes a matter of discipline with the County. The County will assist any employee who voluntarily discloses to the County that he/she believes that he/she has a drug or alcohol problem in seeking professional help to address their problem. This voluntary step of self-identification is the responsibility of the individual, and with the exception of certain conditions, will alleviate the requirement for disciplinary action if brought to the County's attention prior to any testing conducted by the County. Upon disclosure of a problem to the County, the employee will be removed from all safety-sensitive duties without pay until completion of all steps outlined in Section IV. of this policy. The employee will be responsible for all costs associated with this process. If the employee makes no commitment to overcoming the problem and achieving a satisfactory level of performance, attendance, or behavior, then termination of employment will result.

### **9.3.23 CONFIDENTIALITY AND RELEASE OF INFORMATION**

Under no circumstances, unless required or authorized by law, will alcohol or drug testing information or results for any employee or applicant be released without written request from the applicable employee.

The County may release information as follows:

1. Copies of the results of alcohol or drug testing to an identified person provided the
2. Copies of information requested by the Secretary of Transportation, any DOT agency, or any State or local official with regulatory control over the County or any of its employees.
3. The results of post-accident testing when requested by the National Transportation Safety Board as part of an accident investigation.
4. Legal proceedings to include:
  - A. Lawsuits (e.g., wrongful discharge action).
  - B. Grievances (e.g., an arbitration concerning disciplinary action taken by the employer).
  - C. Administrative proceedings (e.g., an unemployment compensation hearing) brought on by, or on behalf of, an employee and resulting from a positive DOT drug test or alcohol test or a refusal to test (including, but not limited to, adulterated or substituted test results).
  - D. Criminal or civil actions – to the decision maker in the proceeding (e.g., the court in the lawsuit).

Employees are entitled, upon written request, to obtain copies of any records pertaining to their use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substance tests.

#### 9.3.24 RESPONSIBILITY

##### A. Employee

All County employees that hold a valid CDL are responsible for abiding by this procedure as a condition of their employment.

##### B Management Officials and Supervisors

All supervisors and County officials are responsible for being alert to employee conduct that raises a reasonable suspicion that an employee is using or is under the influence of alcohol or controlled substances while on duty or otherwise performing County business.

This policy is not intended nor should it be construed as a contract between the County and the employee. This policy may change at any time at the sole discretion of the County and/or to comply with changes in Federal DOT regulations.

#### ABBREVIATIONS AND TERMS

##### Abbreviations

BAT	Breath Alcohol Technician	CDL	Commercial Drivers' License
CMV	CMV	DER	Designated Employer
Representative			
DHHS	Dept. of Health and Human Services	DOT	Department of Transportation
EAP	Employee Assistance Program	EBT	Evidential Breath Testing
Device			
MRO	Medical Review Officer	STT	Screening Test Technician
SAMHSA	Substance Abuse and Mental Health Services Administration		

##### Definitions

##### Adulterated Specimen

A specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

##### Alcohol

Intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

##### Alcohol Concentration (or content)

Alcohol in a volume of breath (shown as grams of alcohol/210 liters of breath) as indicated by an evidential breath test.

#### Alcohol Use

Consumption of any beverage, mixture, or preparation, including medications, containing alcohol.

#### Breath Alcohol Technician (BAT)

An individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath measurement (EBT) device.

#### Confirmation Test

*In alcohol testing:* a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration.

*In Controlled Substances Testing-*A second test to identify the presence of a specific drug or metabolite. In order to ensure reliability and accuracy, this test is separate from and uses a different technique and chemical principle from that of the screening test.

#### Confirmation Validity Test

A second test performed on a urine specimen to further support a validity test result.

#### Controlled Substances

In this regulation, the term ‘drugs’ and ‘controlled substances’ are interchangeable and have the same meaning. Unless otherwise provided, these terms refer to: \*marijuana, \*cocaine, \*opiates, \*phencyclidine (PCP), \*amphetamines, including methamphetamines.

#### Designated Employer Representative (DER)

An employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the County.

#### Dilute Specimen

A specimen with creatinine and specific gravity values that are lower than expected for human urine.

#### EBT (or evidential breath testing device)

An EBT approved by the National Highway Traffic Safety Association (NHTSA) for the evidential testing of breath and placed on NHTSA’s “Conforming Products List of Evidential Breath Measurement Devices” (CPL).

#### Employee

Any person who operates a commercial vehicle (CMV), including: \*full time, regularly employed employees, \*casual, intermittent or occasional employees, \*leased employees, \*independent, owner-operated contractors who are either directly employed by or under lease to the County or who operates a CMV at the direction of or with the consent of the County.

#### Evidential Breath Testing (EBT) Device

A device used for alcohol breath testing that has been approved by the National Highway Traffic Safety Administration.

#### Initial Validity Test

The first test used to determine if a specimen is adulterated, diluted, or substituted.

#### Initial Drug Test

The test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

#### Medical Review Officer (MRO)

A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the County's drug testing program. The MRO must have knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an individual's confirmed positive test, medical history and other relevant biomedical information.

#### Performing (a safety sensitive function)

An employee is considered to be performing a safety-sensitive function when he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive function.

#### Primary specimen

The urine specimen bottle that is opened and tested first by the laboratory to determine whether the employee has a drug or drug metabolite in his or her system; and for the purpose of validity testing. The primary specimen is distinguished from the split specimen, defined in this section.

#### Screening Test (initial test)

*In alcohol testing:* a procedure to determine if an employee has a prohibited concentration of alcohol in his or her system.

*In controlled substance testing:* a screen to eliminate 'negative' urine specimens from further consideration.

#### Split Specimen

Means a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.

#### Substituted Specimen

A specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.

#### Substance Abuse Professional (SAP)

A licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional or certified addiction counselor with knowledge of any and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

### 9.5 **CERTIFICATE OF RECEIPT**

#### FORM C For CDL Employees

(Acknowledgement of receiving materials required by 49 CFR Part 382.601)

Employee Name: \_\_\_\_\_ Social Security #: \_\_\_\_\_

Government Entity: Tippecanoe County

This is to certify that I have been provided educational materials that explain the requirements of 382.601 and the County's policies and procedures with respect to meeting the requirements. This includes all items checked.

The designated person to answer questions about the material

The categories of drivers subject to Part 382.

Sufficient information about the safety-sensitive functions and periods of the workday that compliance is required.

Specific information concerning prohibited driver conduct.

Circumstances under which a driver will be tested.

Test procedures, driver protection and integrity of the testing processes, and safeguarding the validity of the test.

The requirements that tests are administered in accordance with Part 382.

An explanation of what will be considered a refusal to submit to a test and the consequences.

The consequences for Part 382 Subpart B violations including removal from safety-sensitive functions and 382.605 procedures.

The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04.

Information on the affects of alcohol and controlled substances use on: an individual's health, work, personal life, signs and symptoms of a problem, and available methods of intervening when a problem is suspected.

A copy of the County's substance abuse policy.

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Authorized County Representative: \_\_\_\_\_

### **SEVERABILITY**

The policies and procedures contained in this handbook are subject to all applicable federal and state laws, County of Tippecanoe, Indiana rules and regulations, and shall be interpreted wherever possible so as to comply fully with such laws, provisions or any judicial interpretations. If an article or section of this handbook shall be held invalid by operation of law or tribunal or competent jurisdiction, or compliance with or enforcement of any article or section of this handbook shall be restrained by such tribunal, the remainder of this and any amendments thereto shall not be affected and shall remain in full force and effect. The County Tippecanoe, Indiana reserves the right to delete, modify, or amend the policies contained herein or allocate new policies as needed.

## INDEX

9.3 PROVISIONS, 19  
9.3.7 RANDOM TESTING, 21  
ABBREVIATIONS AND TERMS, 30  
ACCESS TO PERSONNEL FILES, 13  
ACCESS TO TIPPECANOE COUNTY  
GOVERNMENT COMPUTERS, 15  
ALCOHOL TESTING PROTOCOL, 27  
ALCOHOL TESTING SAFEGUARDS FOR  
EMPLOYEE'S PROTECTION, 27  
AMERICANS WITH DISABILITIES ACT (ADA), 9  
APPEARANCE OF WORK AREAS, 4  
APPLICABILITY, 19  
APPLICANT/PERSONNEL FILES, 13  
APPROVED SOFTWARE, 16  
ATTENDANCE AND PUNCTUALITY, 6  
AUTHORIZED ALIEN STATUS AND  
CITIZENSHIP, 10  
BACKUP POLICY, 17  
BENEFITS CONTINUATION (COBRA), 1  
BEREAVEMENT LEAVE, 2  
BLOODBORNE PATHOGENS, 11  
BUSINESS ETHICS/CONFLICT OF INTEREST, 7  
BUSINESS TRAVEL, 5  
CERTIFICATE OF RECEIPT, 34  
Child, 2  
COMMISSION OF A FELONY OR UNLAWFUL  
ACT, 6  
COMPENSATION, 18  
COMPENSATION FOR, 1  
COMPUTER USAGE AND SECURITY, 12  
CONFIDENTIALITY, 8  
CONFIDENTIALITY AND RELEASE OF  
INFORMATION, 29  
CONNECTIVITY, 16  
CONTROLLED SUBSTANCE TESTING  
PROTOCOL, 24  
DATA SECURITY AND PASSWORDS, 14  
DEADLY WEAPONS FORBIDDEN, 7  
DEFERRED COMPENSATION, 2  
DILUTED SPECIMEN, 25  
Discharge, 1  
DISCIPLINARY PROCEDURES, 28  
Drug Testing, 8  
DRUG-FREE, 7  
EDUCATIONAL MATERIALS, 27  
E-MAIL AND INTERNET, 17  
EMERGENCY CLOSING, 3  
EMPLOYEE BENEFITS, 2  
EMPLOYEE CONDUCT AND WORK RULES, 6  
EMPLOYEE INSURANCE, 2  
EMPLOYEE MEDICAL EXAMINATIONS, 12  
EMPLOYMENT APPLICATIONS, 11  
EMPLOYMENT POLICIES, 11  
EMPLOYMENT REFERENCE CHECKS, 13  
EMPLOYMENT STATUS, 12  
EMPLOYMENT TERMINATION, 1  
EQUAL EMPLOYMENT OPPORTUNITY, 7  
EXCEPTIONS AND SPECIAL CONDITIONS, 6  
EXEMPT, 12  
FAMILY AND MEDICAL LEAVE ACT, 1  
FEDERAL MOTOR CARRIER SAFETY  
REGULATIONS/SAFETY-SENSITIVE  
POSITIONS, 17  
FLEXTIME, 17  
FOLLOW-UP TESTING, 23  
GENERAL GUIDELINES, 13  
GIFTS OR GRATUITIES, 7  
HOLIDAYS, 1  
Home-to-Work Travel, 18  
In Loco Parentis, 2  
INTERNAL EMERGENCY PLAN, 5  
JOB CLASSIFICATION, 18  
JOB CLASSIFICATION/PAY SYSTEM  
MAINTENANCE, 1  
JURY DUTY, 1  
LABORATORY PROCEDURES, 24  
Layoff, 1  
Length of Service, 1  
LONG-TERM DISABILITY, 2  
MANAGEMENT, 7  
MEDICAL INFORMATION DISCLOSURE, 26  
MILITARY LEAVE, 1  
MISSION STATEMENT, 2  
MIT'S ADVISORY BOARD, 13  
MRO PROCEDURES, 25  
NEPOTISM, 15  
NETWORK SECURITY, 14  
NON-EXEMPT, 12  
Non-Restricted, 17  
NORMAL WORK WEEK, 16  
OLICITATION AND DISTRIBUTION, 8  
ON-CALL TIME, 17  
ORIENTATION/EXIT INTERVIEWS, 14  
Out-of-Town Travel, 18  
OUTSIDE EMPLOYMENT, 15  
Overnight Travel, 18  
OVERTIME and COMPENSATORY TIME, 1  
Parent, 2  
PART-TIME, 12  
PAY CORRECTIONS, 19  
PAY DEDUCTIONS, 1  
PAYDAYS, 19  
PERFORMANCE EVALUATION, 14  
PERSONAL APPEARANCE, 6  
PERSONAL COMPUTER SECURITY, 15  
PERSONAL CONDUCT, 6  
PERSONAL DAY, 1  
PERSONAL HARDWARE, 16  
PERSONAL INFORMATION CHANGES, 14  
PERSONAL LEAVE, 2  
PERSONAL USE OF ORGANIZATION  
FACILITIES, 4  
PERSONNEL ADMINISTRATION, 6  
PERSONNEL ADMINISTRATION COMMITTEE,  
6  
Personnel Policies, 1



**PHYSICAL SECURITY**, 14  
Post-Accident, 8  
POST-ACCIDENT TESTING, 22  
PRE-EMPLOYMENT TESTING, 21  
PRESCRIPTION MEDICATION AND/OR OTHER  
MEDICATION USE, 20  
**PRINCIPLES OF EMPLOYMENT/WORK  
RULES**, 8  
Probable Cause, 8  
**PROBATIONARY**, 13  
**PROBATIONARY PERIOD**, 14  
**PROBLEM RESOLUTION**, 11  
**PROBLEM RESOLUTION FOR EMPLOYEES OF  
THE COURT**, 12  
**PROBLEM RESOLUTION FOR NON-COURT  
EMPLOYEES**, 11  
PROGRESSIVE DISCIPLINE, 9  
PROHIBITED CONDUCT, 19  
**PUBLIC EMPLOYEE'S RETIREMENT FUND  
(PERF)**, 2  
**PURCHASING**, 16  
**PURPOSE**, 18  
REASONABLE SUSPICION TESTING, 22  
**RECRUITMENT**, 11  
**RECYCLING**, 4  
**RE-EMPLOYMENT**, 2  
REFUSAL TO TEST, 20  
**REGULAR FULL-TIME**, 12  
**REQUESTS FOR INFORMATION**, 16  
Resignation, 1  
RESPONSIBILITY, 29  
**Restricted**, 17  
**RETURN OF PROPERTY**, 2

RETURN TO DUTY TESTING, 23  
**SAFETY**, 3  
**SALARY ADMINISTRATION**, 16  
**SECURITY AWARENESS**, 13  
**SECURITY OF PREMISES/INSPECTIONS**, 8  
**SEVERABILITY**, 35  
**SEXUAL HARASSMENT**, 9  
**SICK LEAVE BENEFITS**, 1  
SLEEP TIME/BONA FIDE MEAL PERIODS, 17  
**SMOKING**, 4  
SPLIT SPECIMEN TESTING PROTOCOL, 26  
**STATEMENT OF PURPOSE AND POLICY**, 17  
SUBSTANCE ABUSE EVALUATION AND FOLLOW  
UP TESTING UPON TERMINATION, 28  
**TABLE OF CONTENTS**, 3  
**TEMPORARY**, 13  
**TIMEKEEPING**, 18  
TRAVEL TIME, 17  
TYPES OF TESTS, 21  
URINE COLLECTION PROCEDURES, 24  
**USE AND REVISION OF PERSONNEL  
POLICIES HANDBOOK**, 6  
**USE OF EQUIPMENT AND VEHICLES**, 3  
**USE OF TELEPHONES AND COUNTY MAIL**, 3  
**VACATION BENEFITS**, 2  
VALIDITY TESTING, 25  
**VIRUS PROTECTION**, 16  
VOLUNTARY DISCLOSURE, 29  
**WAGE POLICY**, 18  
**WORK HOURS**, 16  
WORK RULES VIOLATIONS, 9